



Oak Farm Junior Mixed School
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COMPLAINTS PROCEDURE

Reviewed September 2016

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

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

General Principles:

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

Part A

Complaining about the actions of a member of staff other than the Head Teacher.

1) Informal Stage

Classroom Concerns:

1. The first person you should consult is the class teacher. The class teacher will log the date, duration and topic of any complaint interview.
2. If the course of action is discussed and/or agreed at the meeting with the class teacher does not resolve the problem then the class teacher should be consulted again and advised of your continuing concerns.
3. It may be appropriate at this stage for the teacher who is the year group leader in your child's year group to be involved in the discussions at the request of either the class teacher or yourself.
4. If this is not considered appropriate (by either the teacher or yourself) and the concerns continue or further action cannot be agreed then the matter should be referred to the Head teacher.

5. The Head teacher will offer you the opportunity to meet and discuss the situation. If you feel it is appropriate you may wish to outline your concerns in writing or by phone in advance of this meeting. This will often enable the matter to be dealt with more speedily as it will allow the head to gather information on the issue to be discussed in advance of the meeting.
6. If the course of action suggested at the end of the meeting with the head teacher is tried and does not resolve the situation to your satisfaction then you should arrange a further meeting to consider what action should be taken next.
7. If the course of action suggested following the first or subsequent meeting(s) with the head teacher does not satisfy you then you should advise the headteacher in writing of this and proceed to lodging a formal complaint.

n.b *Although Governors may be able to give general advice on procedures; discussion of individual cases may prohibit the governor(s) from later involvement should the Governing Body need to be formally involved. As a result early involvement of a governor or governors in discussion or advice on an individual case may prejudice the Governing Body's ability to hear a case and any subsequent appeal.*

Concerns outside the classroom.

In most situations these are best dealt with by the class teacher who can, if necessary, follow up concerns involving other pupils with the appropriate teacher. If it is not felt appropriate to talk to the class teacher then the following staff can be consulted:

- **The Head teacher:**
Any urgent matter relating to the safety of pupils
- **The Assistant-Head teachers:**
Any urgent matter in the absence of the head teacher
- **The Bursar**
With regard to matters relating to office administration and procedures, cleaning and school dinners.
- **The Welfare Assistant**
Any matter relating to school procedures with regard to children's welfare

Communication may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved at this informal stage.

2) Formal Stage

1. If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Head Teacher, who will be responsible for its investigation.
2. The complaint may be referred back to the informal stage or, if judged to be vexatious, will not be accepted and the complainant advised that this is the case.
3. The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.
4. In addition the Head Teacher may meet with the complainant to clarify the complaint. The complainant may be accompanied to any such meeting.
5. The Headteacher will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or representative if they wish.
6. The investigation will begin as soon as possible and when it has been concluded, the complainant, and the member of staff concerned, will be informed in writing of the outcome by the Head teacher.
7. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
 - The concern is not substantiated by the evidence
 - The concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures etc... but details of the investigation or of any disciplinary procedures will not be released
 - The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential. [e.g. where staff disciplinary procedures are being followed]
8. The complainant will be told that consideration of their complaint by the head teacher is now concluded.
 9. If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Head Teacher in handling the complaint. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Head Teacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will be followed.
 10. If the complainant considers that the decision of the Head Teacher is perverse, or that the Head Teacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Head Teacher under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

A designated member of staff may handle the complaint on behalf of the head teacher. In such a case the head teacher must be satisfied that the process has been conducted properly and accept responsibility for the same. In the absence of the head teacher the deputy head teacher or a senior member of staff will deputise.

Part B

Complaining about the actions of the Head Teacher

1) Informal stage

- a. The complainant is usually expected to arrange to speak directly with the Head Teacher.[In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Governing Body]
- b. Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated forthwith.

2) Formal Stage

- a. If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body who will determine which of the agreed procedures to invoke. A model complaint form is available in Annexe 3.
- b. The complaint may be referred back to the informal stage or, if judged to be vexatious, will not be accepted and the complainant advised that this is the case.
- c. If the Chair considers that the complaint should be investigated this will be actioned.
- d. The responsibility for investigating a complaint or complaints may be delegated to a designated governor. Where this occurs all references to Chair that follow should be replaced by designated governor.
- e. The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents which have been

cleared for disclosure. In addition the complainant will be invited to meet with the Chair to present oral evidence or to clarify the complaint.

- f. The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.
- g. The Head Teacher will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Head Teacher to consider this, he/she will be invited to meet separately with the Chair, in order to present written and oral evidence in response. The Head Teacher may be accompanied at this meeting by a friend or representative.
- h. When the investigation has been concluded, the complainant and the Head Teacher will be informed in writing of the outcome. The complainant will not be informed of the detail of any disciplinary/capability action.
- i. The complainant will be told that consideration of their complaint by the Chair is now concluded.
- j. If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Chair. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

Part C

Review Process

1. Any review of the process followed by the Head Teacher or the Chair shall be conducted by a panel of 3 members of the Governing Body.
2. The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.
3. The panel will first receive written evidence from the complainant.
4. The panel will then invite the Head Teacher or the Chair, as appropriate, to make a response to the complaint.
5. The panel will also have access to the records kept of the process followed subject to any legal restrictions.
6. The complainant, and the Head Teacher or the Chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:
 - There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
 - The concern is not substantiated by the evidence
 - The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
 - The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation [where this is practicable]
7. A model letter is included in annex 3.

Notes

- i. The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.
- ii. If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education and Skills.

- iii. Any advice sought by the Governing Body or Head teacher from outside agencies should be confirmed in writing.
- iv. Reference to be made to School Complaints Procedure Document, ratified by the Chair of Governors 24-1-11

Next Review Date: September 2019