

## **Policy and procedures for dealing with complaints**

### **Canon Barnett Primary School**

Canon Barnett school aims to provide the best education for every child and the best working environment for staff and to do so in a fair, open and transparent way. The staff at the school, from the office to the class, to the Headteacher are always available to answer your questions and help in whatever way they can. However, there may be times when you think we can improve what we do or how we do it. We are committed to listening to your views and working together to effect positive change for everyone.

#### **1. Aims of the policy**

- Underpin the school's aims and objectives by giving due consideration to the complaints of parents, school and community
- Ensure that all complaints are considered fully, fairly and confidentially, promptly, thoroughly and, in the first instance, on an informal basis.
- An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances
- To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than three months after the event, being complained of, will not be considered.
- Ensure that there is an effective partnership between school, staff, governors and parents.

It is in the interest of everyone that all parties involved in any complaint conduct themselves in a professional, courteous and respectful manner at all times.

#### **2. Definition of a complaint**

The use of the word 'complaint' should be restricted to a situation being formally investigated. In other cases, language such as 'concerns' or 'clarification' should be used.

A complaint is an expression of significant dissatisfaction, written or oral, by a person or persons with a legitimate interest in the school about any aspect of their child's education, this includes the practices or policies of the school, the conduct, action or omissions of members of staff employed at the school or about the quality of teaching.

Complaints may be written or oral. It is not always appropriate to ask for complaints to be put in writing as this might unnecessarily formalise the situation, resulting in either party taking a more defensive or entrenched position and making the conflict more difficult to resolve.

For a complaint to merit serious consideration it should meet at least one of following criteria:

- It is made by the person(s) directly affected by the matter of the complaint.
- It relates to events within the last three months
- The events in question can be dated
- There is independent corroboration of the allegations

It is important to bear in mind that not all expressions of concerns constitute a complaint. Discretion needs to be applied in determining whether action over and above the normal day- to-day discussions on parental concerns is needed. All senior leadership team members are expected to exercise such discretion before referring the matter to the Headteacher.

Problems and expressions of concern should be dealt with as far as is possible, at the point of first contact. This is usually the class teacher. If it cannot be resolved at this level, then the teacher should refer the matter upwards.

### **Serial or Persistent complaints**

If a complainant has been through the complaints procedure, and they subsequently make the same complaint, it will satisfy the serial complaint criteria and the school can inform them that the matter is closed.

What criteria may be applied to decide whether it is 'manifestly unjustified, inappropriate or improper'?

- All reasonable steps have been taken to address matters
- A clear statement has been provided of the school's position
- The school is being repeatedly contacted with the same points being raised
- The school has reasonable grounds for believing the intention is to cause inconvenience
- Communications are aggressive in tone or content. Abusive, derogatory and

/ or threatening comments are made.

The schools must seek legal advice if they think persistent contact by a complainant constitutes harassment.

### **Requests for information**

Complaints are sometimes accompanied by requests for information pertaining to the circumstances underpinning the complaint. The term 'vexatious' is more properly deployed in this context. The school must consult the guidance issued by the Information Commissioners Office in the first instance and seek advice from the school's provider of legal services

It's important to understand that in dealing with persistent complaints and vexatious requests for information, it is the request and not the individual that is so labelled. The school must not fail to respond to a complaint on the grounds that an individual has a track record of such behaviour.

### **Complaint campaigns**

If faced with such a complaint, the school will send a standard response to all complainants and publish it on the school's website.

## **Complaints about the headteacher or governing body**

There'll be occasions when the head teacher, a governor or, indeed, the whole governing body is the subject of a complaint. This might create the need to deviate from the complaints procedure and the school must document any necessary deviations from the procedure, in case a complaint goes all the way to the DfE. If DfE believes that the deviation is unjustified, they may ask the school to revisit the complaint and comply with the published complaints procedure.

### **3. Responsibilities**

The conduct of the school is the responsibility of the Governing Body and the Headteacher is responsible for the internal organisation and management of the school.

- This makes the Headteacher responsible for investigating complaints not resolved by the class teacher and, if appropriate, referring complaints to other members of staff to deal with.
- The Governing Body may be called upon to form an appeals panel if a complainant is not satisfied with the result of the complaint.

Three months is an acceptable time frame for both raising and escalating a complaint. However, there is a need for flexibility in determining time limits and the need for exceptional circumstances to be taken into account.

#### **Complaints made to the Governing Body**

In the event of a complaint being made to a member of the Governing Body, the complainant must be advised to speak to the Headteacher. Governors must not prejudice themselves by giving any view or opinion on the complaint as this would prevent their participating in a panel at a later stage and may make it more difficult for the Headteacher to resolve the complaint.

If at any point it appears that there are issues regarding school staff, which may need to be dealt with under the disciplinary or other staffing procedures, personnel advice should be sought.

Complaints against the headteacher are usually dealt with by the Chair of Governors – Phil Fitzgerald – contactable through the Nilima Rahman at the school office

Complaints against the Chair of Governors should be made by writing to the clerk, Rochelle Clarke, Governor Services, Mulberry Place, 5 Clove Crescent, London E14 2BG

Complaints against individual governors should be made to the Chair of Governors as above

#### **Third parties**

The school must ensure that any third-party providers, using the school's premises or facilities, have their own complaints procedures in place.

#### **4. Referral Structure**

In most cases referral will be as follows:

- Class teacher
- Headteacher

On occasions, for example if a complaint is particularly serious or for example involves the Headteacher, it will be appropriate to by-pass levels in the referral structure.

When a complaint is made to the Headteacher she may decide to deal with it or to refer it to an appropriate level in the structure. When the head has asked a colleague to deal with a complaint, feedback should be given to the Headteacher.

#### **5. Investigating complaints**

The person investigating will make sure they:

- Establish what has happened so far, and who has been involved;
- Clarify the nature of the complaint and what remains unresolved;
- Meet with the complainant or contact them (if unsure or further information is necessary);
- Clarify what the complainant feels would put things right;
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- Conduct the interview with an open mind and be prepared to persist in the questioning;
- Keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

#### **Informal stage**

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. We take informal concerns seriously and make every effort to resolve matters as quickly as possible.

First, we hope you will speak to the relevant member of staff as soon as there is a concern. This will normally be the class teacher. It is normally appropriate to communicate directly with the member of staff concerned. This may be by letter, telephone or in person by appointment, requested via the school office. Many concerns can be resolved by simple clarification or the provision of information, and it is anticipated that most complaints will be resolved at the informal stage.

This informal approach is nearly always the quickest and most effective way of resolving concerns.

In the case of serious concerns, it may be appropriate to address them directly to the head teacher (or to the chair of the governing body if the complaint is about the head teacher).

If you are uncertain about who to contact, seek advice from the school office or the clerk to the governing body.

## **Possible Outcomes at the Informal Stage**

- The matter is resolved
- The complaint has been found by the Headteacher to be valid and that the Headteacher, within her responsibility for the overall internal management of the school will take appropriate action

## **Formal stage**

If your concern or complaint is not resolved at the informal stage, you may choose to put the complaint in writing and pass it to the head teacher, who will be responsible for ensuring it is investigated appropriately. If the complaint is about the head teacher, your complaint should be passed to the clerk to the governing body, or the school office for the attention of the chair of the governing body.

A complaint form is provided to assist you.

You should include details that might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed.

Pass the completed form, in a sealed envelope, to the school office. The envelope should be addressed to the head teacher, chair of governors or clerk to the governing body, as appropriate.

The head teacher (or chair) may invite you to a meeting to clarify your concerns and explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the head teacher (or chair). If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case, you should learn in writing, usually within five days of the school receiving your formal complaint, of how the school intends to proceed. This notification should include an indication of the anticipated timescale.

Any investigation will begin as soon as possible, and when it has been concluded, you will be informed, in writing, of its conclusion.

If you are not satisfied with the manner in which the process has been followed, you may request that the governing body reviews the process followed by the school, in handling the complaint. Any such request must be made in writing to the clerk to the governing body, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure. The procedure described below will be followed. A review request form is provided for your convenience.

## **Review process**

Any review of the process followed by the school will be conducted by a panel of three members of the governing body. This will usually take place within 10 school days of receipt of your request.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations must be considered sympathetically.

If the school has made reasonable attempts to accommodate complainants with dates for complaint meetings and they have unreasonably refused or are unable to attend, you can go ahead and convene meetings in their absence and reach a conclusion in the interests of drawing a complaint to a close.

## **Communicating the outcome**

The complainant must be informed of the conclusion of the investigation and reasons for any decisions, in writing, plus any further rights of appeal. It's also considered important that you send the complainant copies of the minutes as they will be entitled to them under the Data Protection Act 2018 and GDPR.

## **9. Taking it Further**

If the complainant is not satisfied by the outcome of the Governing Body Panel investigation they can write to the DfE with copies of relevant correspondence.

Complaints cannot be taken to the local authority. The local authority cannot investigate school matters on a parent's behalf nor can it review how the school has dealt with a complaint.

However, if you have completed the local procedures and you remain dissatisfied, you have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education  
School Complaints Unit  
2<sup>nd</sup> Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## **What will the Department for Education do?**

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.

The DfE state in their guidelines that they will not take punitive action against a school but may share information with Ofsted or the Local Authority if serious failings are identified.

Should the complainant continue to make contact on the same issue, the chair of governors has the power to inform them that the process is complete and the matter is closed.

**Agreed by Governors: 5.3.19**

**Review: March 2022**

## General Data Protection Regulations (GDPR) Complaints Procedure

This procedure addresses complaints from data subject(s) related to the processing of their personal data, Canon Barnett Primary School's ("the school) handling of requests from data subjects, and appeals from data subjects on how complaints have been handled. This procedure is also included in the school's main complaints policy which is published on the school website.

### Responsibilities

The Data Protection officer is responsible for dealing with all complaints in relation to GDPR. Complaints made in relation to data will be passed on to the school's Data Protection Officer.

### Procedure

Data subjects (the person whose data we hold) are able to complain to the school about:

- how their personal data has been processed
- how their request for access to data has been handled
- how their complaint has been handled
- appeal against any decision made following a complaint.

If you would like to lodge a complaint about one these areas you should complete the school's complaint form and return this to the school marked for the attention of the Data Protection Officer.

The school will pass this on to the Data Protection Officer who will deal with the complaint.

- Complaints are to be resolved within one month.
- Appeals on the handling of complaints are to be resolved within one month.

If the school fails to act on a data subject's access request within one month, or refuses the request, it sets out in clear and plain language the reasons it took no action/refusal.

The school will also inform the data subject(s) of their right to complain directly to the supervisory authority. In doing so, the school will provide the data subject(s) with the contact details of the supervisory authority and informs them of their right to seek judicial remedy.

### Data Protection Officer

Please refer any queries, issues or requests received to the Data Protection Officer:

*Louise Manthorpe*

Data Protection Officer

*020 7364 6570*

*School.DPO@towerhamlets.gov.uk*

### ICO contact details

If you require more information about the General Data Protection Regulation, the Data Protection Bill, or are unhappy with the way *[name]* has dealt with your data please contact:

The Information Commissioner

Wycliffe House

Water Lane

Wilmslow  
Cheshire  
SK9 5AF  
[www.ico.org.uk](http://www.ico.org.uk)

**Canon Barnett: Meeting request form**

Who would you like to meet?
Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:  Postcode:  Daytime telephone number: <span style="float: right;">Evening telephone number:</span>  Email address:
Please give details of your concern.
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?

What actions do you feel might 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:**

Canon Barnett: Complaint Review request form

Please complete this form and return it to the headteacher (or clerk to the governing body) who will acknowledge its receipt and inform you of the next part of the procedure.

Your name:

Your address:

Telephone numbers:

Daytime:

Evening:

Email address:

Dear Sir / Madam,

I submitted a formal complaint to the school on ....., and I am dissatisfied by the procedure that has been followed.

My complaint was submitted to .....and I received a response from .....on .....

I have attached copies of my formal complaint and the response from the school.

I am dissatisfied with the way in which the procedure was carried out, because ...

You may continue on additional paper, or attach documents if you wish.

Number of additional pages attached =

What actions do you feel will resolve the problem at this stage?

Signed:

Date:

Office:

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

### Appendix 3: Complaints not in scope of the procedure

The complaints procedure covers all complaints about any provision of facilities or services that the school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns should be raised direct with local authorities (LA).</p> <p>For school admissions, it will depend on who is the admission authority (either the school or the LA).</p> <p>Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</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. They should be contacted direct.</p>
<p>The national curriculum Daily Act of Worship Religious Education</p>	<p>DfE Local Standing Advisory Council on Religious Education London Borough of Tower Hamlets</p>

