

# LETHBRIDGE PRIMARY SCHOOL

## PARENTAL COMPLAINTS PROCEDURE

Governing Bodies of all maintained schools and nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the complaint procedure to be publicised.

It is the Governing Body's wish that any aspect of the child's education that the Parent or Carer is unhappy with, should be dealt with in an informal way to the benefit of all parties without causing undue anguish. Any such complaint needs to be dealt with fairly, expeditiously and effectively. It is also our wish that they should be dealt with in a sensitive manner.

### **PART A**

***This is the procedure which the parents and carers of children at Lethbridge Primary School should follow when complaining about the actions of a member of staff other than the Head Teacher.***

#### **1) Informal Stage**

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This 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 by this informal stage. The school will make contact with the complainant within 24 hours of receiving the complaint.

#### **2) Formal Stage**

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. (Alternatively the complainant may be referred back to the informal stage of the procedure or if the complaint is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated). The Head Teacher will make initial contact with the complainant within 24 hours of receiving the complaint.

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. In addition the Head Teacher may meet with the complainant to clarify the complaint.

The Head Teacher will collect such other evidence as 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.

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. 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 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.

**The complainant will be told that consideration of their complaint by the head teacher is now concluded. The timescales for investigation and resolution will depend on the nature of the complaint, but the Headteacher will aim to investigate and meet with the complainant within 72 hours of the initial contact. This is of course also dependent on the availability of everyone involved.**

**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 two 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.**

**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. The Governing Body should make initial contact with the complainant within 72 hours of receiving the complaint. The Governing Body will investigate the complaint and feedback the outcome to the complainant within 2 weeks of making initial contact.**

## **PART B**

***This is the procedure which parents and carers of children at Lethbridge Primary School should follow when complaining about the actions of the Head Teacher.***

### **1) Informal stage**

The complainant is usually expected to arrange to speak directly with the Head Teacher. Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved and 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**

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. (Alternatively the complainant may be referred back to the informal stage of the procedure or if the complaint is judged to be vexatious, then the complainant will be informed that their complaint will not be accepted and will not be investigated)

If it is determined that the complaint is *general*, the Chair will arrange for its investigation. Complaints against the Headteacher should always be witnessed and recorded.

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 and so on. In addition the complainant will be invited to meet with the Chair to present oral evidence or to clarify the complaint.

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.

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, 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.

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 any disciplinary/capability action.

Receipt of any complaint will be acknowledged by the Governing Body within 72 hours. The complaint will be investigated and the outcome given to the complainant within 2 weeks of the initial acknowledgement.

**The complainant will be told that consideration of their complaint by the Chair is now concluded.**

**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**

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.

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

The panel will first receive written evidence from the complainant.

The panel will then invite the Head Teacher or the Chair, as appropriate, to make a response to the complaint, within one week of receiving the complaint.

The panel may also have access to the records kept of the process followed.

The complainant, and the Head Teacher or the Chair, as appropriate, will be informed in writing of the outcome, within 3 weeks of receiving the written complaint. This may be to the effect that:

- o There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld
- o The concern is not substantiated by the evidence
- o 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.
- o 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
- o **Notes**

**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.**

**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.**

The Governing Body shall maintain a record of all formal complaints received and review any similarities.

This procedure excludes complaints which are to be dealt with under other statutory Complaints Procedures (curriculum, sex education, admissions, exclusions, Special Educational Needs, staff grievances).

### **Special Educational Needs**

Where a parent has a complaint about the school's meeting of their child's Special Educational Needs, they should follow the procedures outlined above initially. The parent should however contact the **SENCO** rather than the Headteacher at point two of the procedures.

Where a complaint about the meeting of a child's Special Educational Needs by the school and LEA has not been resolved through the procedures outlined above, they have the right to receive support through the Disagreement Resolution Service. Wessex Mediation provides this service in Swindon. It is available when parents cannot agree with either the school or the LA over what support is appropriate to meet their child's SEN. Swindon Parent Partnership Service (SPPS) is happy to discuss whether the situation is suitable for mediation.

Refer to the SEN Toolkit for useful guidance: <http://schoolsonline.swindon.gov.uk/sc/sen/Pages/sen.aspx>

For further information contact SPPS at Premier House: 01793 466515

Where a parent wishes to make a complaint about a child's Special Educational Needs which relates to the granting or delivery of a Statement of Special Educational Needs or Education and Health Care Plan by the LEA, they should contact SEN & Disability Tribunals (SENDIST). Information regarding this is given to parents at the point of request for Statutory Assessment.

At any time a parent can contact the Swindon SEND Information, Advice and Support Service (SIAS).

SIAS can help with a variety of issues including: informal mediation, support in meetings, explaining the process for Statutory Assessment, understanding formal reports, annual and

transition reviews and SEN tribunal procedures. E-mail: [sias@swindon.gov.uk](mailto:sias@swindon.gov.uk) Tel: 01793 466515.

These regulations do not deal with complaints from governors or pupils, the general public and others who do not have children directly involved in an issue.

***Reviewed April 2021***

***To be reviewed March  
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