



East Sheen Primary School

Complaints Procedure

Approved by the Governing Board: Summer 2023

Review Date: Autumn 2024

Introduction

East Sheen Primary School endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive.

Where concerns are raised, the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the Governing Board of East Sheen Primary School has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

During this procedure, all parties are expected to behave courteously and with respect for each other. The welfare of our pupils and staff is paramount; actions will be taken following our policy, 'Managing Abusive and Violent Visitors', as well as guidance in this policy if behaviour is unacceptable.

During the process, complainants should not solicit information from children that are not their own; all investigations including discussions with other parents should be carried out by the appropriate school staff.

Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate routes/policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception.

- Pupil admissions; please contact London Borough of Richmond admissions. https://www.richmond.gov.uk/primary_school_admissions
- Statutory assessment of Special Educational Needs (SEN); please refer your complaint to School Improvement, Achieving for Children, (AfC), on behalf of Richmond or Kingston Local Authorities. <https://www.afcinfo.org.uk/pages/local-offer/information-and-advice/assessment-and-education-health-and-care-planning/appealing-decisions-concerns-complaints-and-feedback>
- Pupil exclusions; please see the school's Behaviour and Discipline Policy.
- Staff grievance, capability or disciplinary; these are covered by the school's Disciplinary and Grievance guidance.

Complaints Policy

- Where the complaint concerns a third party used by the school, please complain directly to the third party themselves.
- Anonymous complaints – please refer to the school Whistleblowing Policy.
- Subject Access Requests and Freedom of Information Requests – please see the school's Data Protection and Freedom of Information policy.

Raising concerns

The majority of concerns can be dealt with without resorting to the complaints procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's class teacher via the phone or in person. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the school's data policies and privacy notices. Such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

Complaints made by one person purportedly on behalf of someone else will not be considered.

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 to the local authority. Any action taken will be in accordance with the school's Safeguarding Policy which can be found on the school's website.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, complainants should not discuss complaints publicly including via social media such as Facebook, WhatsApp and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

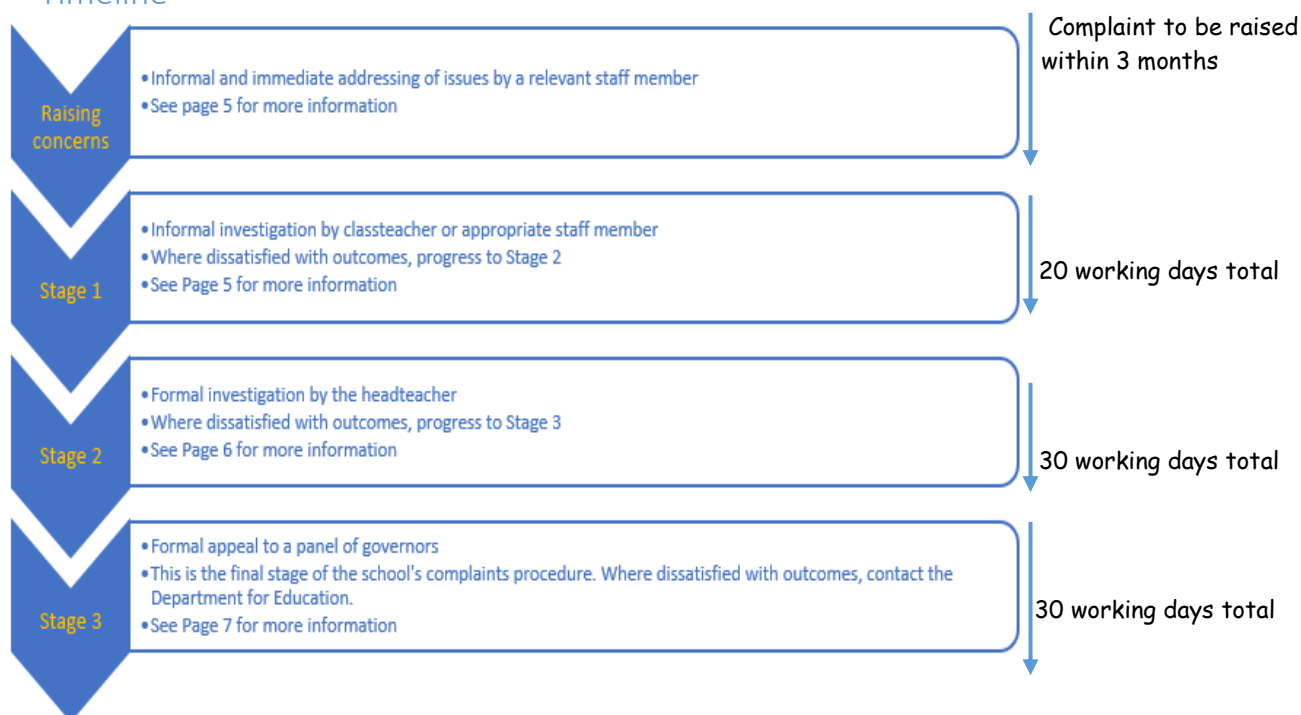
Complaints that result in staff capability or disciplinary proceedings

If at any stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the headteacher and/or the individual's line manager. The complainant is not entitled to participate in the proceedings or receive any detail about them.

Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below.

Timeline



Timeframes

East Sheen Primary School will endeavour to abide by the timeframes stated under each stage, but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding an individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

East Sheen Primary School reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

Who should I approach?

Educational matters: Class teacher

Pastoral care: Class teacher

Disciplinary matters: Class teacher

Financial/Administration matters: School Administration Officer, Marie Hambridge

Complaint about a staff member's conduct: direct approach to the staff member themselves.
Where this does not resolve the situation, the headteacher.

Complaints about the headteacher or the governors

Where a complaint regards the headteacher, the complainant should first directly approach the headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome, they should notify the Clerk to the Governors (see contact details at the end of the document). The Stage 2 process will then commence, but with the Chair of Governors as the individual responsible for the investigation rather than the headteacher.

Where a complaint regards a governor, the same process applies as for the headteacher. Where a complaint concerns the Chair of Governors, the individual should contact the Clerk to the Governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. The Vice Chair of Governors will mediate any proceedings.

Stages of the Complaint

Stage 1 – Informal investigation by a class teacher

Where, as a result of raising a concern, the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. Complainant contacts the class teacher (hereafter relating to a relevant person detailed above if different from 'class teacher').
2. The complainant must explain
 - An overview of the complaint so far
 - who has been involved
 - why the complaint remains unresolved
 - action they would like to be taken to put things right.
3. The class teacher will respond within 5 working days (excluding those which fall in the school holidays) of having received the complaint. They will explain what action they intend to take.
4. Where the complaint is about a member of staff or a school governor, the class teacher will arrange an informal mediation meeting between the two parties to see if a resolution can be reached.

Complaints Policy

5. The staff member will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process.
6. The staff member will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the data protection.

Stage 2 – Formal investigation by the headteacher

1. The complainant may submit a complaints form to the headteacher. See the end of the procedure for the headteacher's contact details and for a copy of this form.
2. The headteacher will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the data protection principles.
4. The headteacher will consider all relevant evidence. This may include but is not limited to:
 - a statement from the complainant
 - where relevant a statement from an individual who is the subject of the complaint
 - any previous correspondence regarding the complaint
 - any supporting documents in either case
 - interview with anyone related to the complaint.
5. The headteacher may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
6. After considering the available evidence, the headteacher can:
 - Uphold the complaint and direct that certain action be taken to resolve it
 - Reject the complaint and provide the complainant with details of the stage three appeals process
 - Uphold the complaint in part: in other words, the headteacher may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
7. The headteacher must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to Stage Three if they are not satisfied, providing them with the contact details of the Clerk to the Governors (see the end of the procedure for these).

Stage 3 – Appeal – review by a panel of the governing board.

If the complainant wishes to appeal a decision by the headteacher at Stage 2 of the procedure, or they are not satisfied with the action that the headteacher took in relation to the complaint, the complainant is able to appeal this decision.

They must write to the clerk (see the contact details at the end of the procedure) as soon as possible after receiving notice of the headteacher's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened. The complainant must clearly identify which aspects of the Stage 2 complaint report or process they are dissatisfied with. The Stage 3 panel will use any Stage 2 report as the basis of their evidence when considering the complainant's appeal, and will review the complaint in relation to the Stage 2 report, rather than reinvestigating the original complaint.

The clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within 4 weeks of receiving the headteacher's decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The clerk will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
2. The clerk will convene a panel of three school governors. All three panel members will have no prior knowledge of the content of the complaint. At this point all governors will be notified that a Stage 3 complaint has been made, but will not be given any further details.
3. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
 - the complainant
 - the headteacher who dealt with the complaint at Stage 2
 - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them.

The companion will be a friend or a colleague. Neither party is able to bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

All parties will be asked to sign a declaration that they will adhere to hearing protocols ("Protocols"- Appendix B), which will be published in advance of any panel hearing. Any deviance from these protocols will be published in the findings of the panel.

Complaints Policy

5. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a governor/trustee, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the governing board who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
7. The panel can make the following decisions:
 - Dismiss the complaint in whole or in part
 - Uphold the complaint in whole or in part
 - Decide on the appropriate action to be taken to resolve the complaint
 - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school will not consider the complaint beyond this.

Anonymised feedback will be provided to the Full Governing Board following the conclusion of the hearing.

Unreasonable complaints

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond (see 'When the school will stop responding').

The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the Chair of Governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the chair deems it appropriate to, they can redirect the headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

Complaints Policy

If the chair upholds the headteacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education (see the contact details at the end of the document).

Managing serial and persistent complaints

East Sheen Primary School will do its best to be helpful to people who contact us with a:

- complaint or concern
- request for information.

However, there will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. As outlined above, if a complainant tries to re-open the same issue, the complainant will be informed that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the school will not respond.

Some complaints may be considered to be vexatious. The [Office of the Independent Adjudicator](#) defines the characteristics of a 'frivolous' or 'vexatious' complaint as:

- complaints which are obsessive, persistent, harassing, prolific, repetitious
- insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insistence upon pursuing meritorious complaints in an unreasonable manner
- complaints which are designed to cause disruption or annoyance
- demands for redress that lack any serious purpose or value

The school will not refuse to accept further correspondence or complaints from an individual they have had repeat or excessive contact with. The application of a 'serial or persistent' marking will be against the subject or complaint itself rather than the complainant.

When the school will stop responding

The decision to stop responding will never be taken lightly. The school may decide to stop responding, whether or not a complaint has been raised, if it is able to say 'yes' to all of the following:

- the school has taken every reasonable step to address the complainant's concerns
- the complainant has been given a clear statement of the school's position and their options
- the complainant contacts the school or an individual repeatedly, making substantially the same points each time

The case to stop responding is stronger if the schools deems that one or more of these statements applies:

- the individual's letters, emails, or telephone calls are often or always abusive or aggressive
- the individual makes insulting personal comments about or threats towards staff

Complaints Policy

- the school has reason to believe the individual is contacting it with the intention of causing disruption or inconvenience

If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, the school can implement a tailored communication strategy. For example, the school can:

- restrict the individual to a single point of contact via an email address
- limit the number of times they can make contact, such as a fixed number of contacts per term

However, regardless of the application of any communication strategy, the school will provide parents and carers with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005, within the statutory time frame. This also applies to requests made under Freedom of Information and Data Protection regulations.

In most complaints, the school will approach the local governor services team to ask for assistance.

If an individual persists in communication to the point that may constitute harassment, the school will seek legal advice. In some cases, injunctions and other court orders may be issued to individuals preventing them from contacting the school directly.

All parties will work together within the principles outlined in this policy, including with respect and fairness. The school will follow its 'Managing Violent and Abusive Visitors' policy if appropriate, which is published on [its website](#).

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full.

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to the governors via clerktogovernors@eastsheen.richmond.sch.uk
- If the complainant feels that the Governing Board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-schools>
- Ofsted will also consider complaints about schools.

Relevant legislation and guidance

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

The Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>

The Education (Independent School Standards) Regulations 2014

<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*

<https://www.gov.uk/government/publications/school-complaints-procedures>

The [statutory framework for the early years foundation stage](#) (sections 3.75 to 3.76)

Complaints Policy

Appendix A: East Sheen Primary School Formal Complaints Form

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint	
Action taken so far (including staff member who has dealt with it so far) 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:	
Dated:	

Official use
Date received:

East Sheen Primary School

Appeal Hearing Protocol

I confirm that I have received, read, understood and will comply with the following declaration:

- At the heart of this process is a child and I am committed to achieve the best possible outcome for the child.
- The aim of the meeting is to resolve the complaint and promote a reconciliation between the school and the Complainant.
- The hearing and the documentation are entirely confidential. No-one is to discuss what is said, or share documentation, with anyone outside the meeting, other than professionals associated with the subject matter of this hearing.
- This meeting is not a form of legal proceedings and so no legal representation is permitted for any party. Parties may be accompanied by a friend or colleague to offer support and reassurance. The friend/colleague will not be able to contribute to the meeting and agrees to comply with this Protocol – especially regarding confidentiality.
- This meeting is held in private. No recording or photographs are allowed. For that reason, all mobile phones are to be switched off and handed to the Clerk for the duration of the meeting.
- The Clerk will be present and take minutes. If there is later disagreement about what was said, this will be the definitive version.
- All parties should direct all their comments to the Panel only, when speaking. All parties will not interrupt the other parties
- All parties will treat each other with respect, especially when addressing the Panel.
- Parties will comply with any directions or guidance given by the Chair concerning the conduct of the hearing, or their evidence.
- The Panel will not consider any new complaints or evidence unrelated to the complaint under consideration.
- Neither party will be left alone in the presence of the Panel, without the Clerk being present.

Complaints Policy

- Those present at the meeting may request a short break in proceedings. The Chair will adjourn the meeting for a set period (typically 5-10 minutes) if appropriate, at their discretion.
- The Minutes of the meeting will be circulated to those present (but not companions) as soon as is possible after the meeting and subject to sign-off with the meeting Chair. These will be for information only.
- After the meeting has been adjourned, the Panel Members will meet and decide whether they need to access further evidence or carry out additional investigations. If they decide there is significant work to do ahead of reaching any decision, they will contact all parties to explain any impact on the timing of their decision.
- If the complainant does not arrive for the meeting, the meeting will proceed without them being present and the final report will be shared with them once completed.
- If further investigation is not required, the Panel's final decisions will be in line with the Complaints Policy and communicated in writing to the Headteacher and Complainant within 5 working days of the Hearing.

Name	Signature	Date