



Ashburnham Community School

Complaints Procedure

Agreed: March 2014
Review date: July 2017

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

EDUCATION, LIBRARIES AND ARTS

COMMUNITY SCHOOL

COMPLAINTS PROCEDURE

1. Introduction

The school's Governors are committed to provide the best education they can for all pupils attending the school. They recognise however that occasions may arise where parents, guardians or others wish to make a complaint. The Governors are determined that any complaint against their decisions, actions or omissions, or against any decisions, actions or omissions by their staff, shall be dealt with fairly, effectively and, if possible, speedily. To this end, they have adopted the principles and procedures set out here.

2. Underlying principles

The principles guiding the Governors' procedure for handling complaints are that it should:

- (a) be easily **accessible** and well published;
- (b) be **simple** to understand and use;
- (c) allow **speedy** handling, with established time limits for action, and keep people informed of progress;
- (d) ensure a full and **fair** investigation;
- (e) respect people's desire for **confidentiality**;
- (f) address all the points at issue, provide an **effective** response and, if appropriate, redress;
- (g) provide **information** to management so that services can be improved.

Complaints will be treated seriously and courteously and given the time they require to be heard. It is important to the school that complainants have confidence in these procedures and know that their case will be thoroughly investigated and heard impartially.

Complainants will be advised at the earliest possible stage of:

- ◆ The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it.

- ◆ The way in which the complaint is likely to be handled.

Complaints will be dealt with as quickly and effectively as possible, adhering to time limits laid down for responding to complaints at each stage of the procedure. The procedures for the hearing of complaints will be adhered to by everyone involved unless there is good reason not to.

3. **Definition of a complaint**

A complaint, within the terms of the procedures described here, is an expression of dissatisfaction, however made, by a person or persons with a legitimate interest in the school but not being employed at the school*, about the standard of teaching of members of the teaching staff or about the conduct, actions or omissions of members of staff employed at the school or of the decisions made by the governing body.

** this is not meant to exclude staff who have a child at the school from using these procedures to make a complaint concerning the treatment of their child or their treatment as a parent of that child.*

4. **Definition of a complainant**

A complainant is someone:

- ◆ who has been, or feels that they have been wronged; or
- ◆ whose child or children have been (or it is alleged have been) wronged, i.e. parent, guardian or other person or agency with parental responsibility; or
- ◆ someone representing a person in one of the above groups, for example a Councillor, Member of Parliament or solicitor.

5. **Handling complaints of various kinds**

Where there are established statutory or other procedures for the disposal of a complaint, those procedures will be followed. Areas to which this applies are:

Parental choice of school

This is a matter for the Local Education Authority to resolve in accordance with the procedures laid down in section 94 of the Schools Standards and Framework Act 1998. Complaints should be referred to the Admissions Officer of the Education and Libraries Department at the Isaac Newton Centre, 108a Lancaster Road, W11 1QS (020 7598 4868)

Complaints about the Curriculum

If the complaint is that the National Curriculum is not being taught at the school, or that the Religious Education or collective workshop does not meet the legal requirement, the complaint should, in the first instance, be referred to the Head of Planning and Provision at the Isaac Newton Centre, 108a Lancaster Road, W11 1QS (020 7598 4826)

Temporary disapplications of the National Curriculum

Section 367 of the Education Act 1996 gives parents the right of appeal to the governing body in respect of the cases where the Head Teacher has determined to disapply or modify the National Curriculum for a particular pupil for a specified period of time. The Act also allows appeal where a request by a parent to disapply or modify the National Curriculum for their child has been refused by the Head Teacher.

Such appeals shall be heard in accordance with the provisions of the Act and are not covered by the procedures set out here.

Appeals to the Special Educational Needs Tribunal

In certain circumstances parents may make an appeal to the Special Educational Needs Tribunal. This applies to a parent who has requested an assessment of their child's special educational needs, or whose child has a statement of special educational needs, issued by the Local Education Authority, following such a request and assessment. Details of how to make such an appeal are given in the booklet **Special Educational Needs Tribunal – How to appeal (available from the Special Educational Needs Section at the Isaac Newton Centre – 020 7598 4874)**.

Exclusions from School

Sections 66 and 67 of the School Standards and Framework 1998 gives parents the right to make representations and, in the case of permanent exclusions, appeals to the Governing Body in cases where the child has been excluded from school. The procedure for making such representations are set out in the leaflets *fixed term exclusions from school and permanent exclusions from school* which are available at the school or from the Head of the Pupil Support Service in the Education and Libraries Department of the Council (020 7960 1298).

Child protection

Where a complaint concerns alleged child abuse or child protection issues, the LEA should be advised immediately, and they shall determine whether Child Protection procedures shall be invoked or not (see Education Circular 7/97).

6. **Complaints not covered by established procedures**

Those complaints for which there is no other established procedure will be handled in the manner set out below. The procedure has two distinct stages – one informal and one formal. If the complainant is not satisfied at the conclusion of the formal stage, they may be able to pursue their complaint further with the Secretary of State for Education, or the Office of the Ombudsman.

COMPLAINTS PROCEDURE – INFORMAL STAGE

1. All complaints, however received, will be reported to the Head Teacher unless the complaint is specifically about the Head Teacher (see below). The Head Teacher may respond to the complaint directly or refer the complaint to another member of staff if he considers that to be appropriate.
2. Where the complaint has been passed to a member of staff, that person will have a duty to inform the Head Teacher of progress in dealing with the complaint and of any issue which they are unable to resolve with the complainant.
3. The Head Teacher may at the informal stage, refer the complainant to officers in the Local Education Authority if he considers that they may be able to assist in the resolution of the complaint. The Head Teacher may also approach the LEA officers for their assistance in the resolution of the complaint.
4. The Head Teacher has the discretion to omit the informal stage of the procedure if he considers the circumstances or nature of the complaint makes this appropriate.
5. If the complaint is not, in the opinion of the Head Teacher, well founded, the complainant should be advised of this and an explanation given. If the complaint was made in writing, the complainant should be told in writing. In any case the complainant should be advised of their right to proceed to the formal stage of the procedure.
6. If the Head Teacher considers that the complainant had good cause or some cause for complaint but is unable to resolve the complaint to the complainant's satisfaction, he should advise the complainant of their right to proceed to the formal stage of the procedure. Again, if the complaint was made in writing, the response should be in writing.
7. A complaint made in writing will be acknowledged, in writing, within five school days of its receipt and the complainant will receive a written response within 15 school days of making the complaint unless there is good reason not to do so.
8. Where the complaint is a complaint about the conduct of the Head Teacher the complaint should be sent to the Chairman of Governors. The Chairman of Governors will then take the role of the Head Teacher (as described in paragraphs 3,4,5,6 and 7) or nominate another member of the Governing Body to take that role. **If the complaint concerns child abuse or child protection issues the chairman should contact the LEA immediately (Principal Education Welfare Officer: 020 7598 4876 or Personnel Manager: 020 7361 2167).**

COMPLAINTS PROCEDURE – FORMAL STAGE

1. Where it has not been possible to achieve an informal resolution acceptable to the complainant, the complainant will be invited to put their complaint in writing to the Chairman of Governors (if the complaint is already in writing a covering letter from the complainant or from the school may be attached).
2. The Chairman of Governors should acknowledge in writing, receipt of the complaint within five school days of receiving it. The Chairman should decide whether he wishes to investigate the complaint himself, ask another member of the Governing Body to investigate or pass it on to a panel of Governors established for that purpose.
3. In each case the Local Education Authority may be asked for assistance in the investigation. If the Chairman has already considered the complaint at the informal stage (i.e. the complaint is about the Head Teacher), he should nominate another member of the Governing Body or a panel of Governors to consider the complaint.
4. Where the complainant has difficulty in putting their complaint into writing, the Chairman of Governors, designated Governor or panel should consider whether to offer assistance or whether to offer an interview to the complainant. Where, following such an interview, further time is needed to investigate the matter, this will be stated at the interview and a time limit set by the Chairman, designated Governor or panel.
5. Following any interview, a written record of the discussion will be made as well as a record of any further investigations.
6. The outcome of consideration of the complaint at the formal stage may be:
 - ◆ Complaint unfounded, no further action proposed;
 - ◆ Complaint upheld but action already taken by the Head Teacher or staff considered adequate;
 - ◆ Complaint upheld, direction given to Head Teacher to offer redress;
 - ◆ Complaint referred to appropriate committee of the Governing Body or to the LEA for consideration or further procedures invoked, e.g. disciplinary

The complainant will be notified in writing of the outcome of the investigation and of the decision taken.

Signed:

Jonathan Heawood (Chair of Governors) Date: _____

Paul Cotter (Executive Head Teacher)

Date: _____