



Complaints Procedure

February 2019

1. Introduction

Brackenbury 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 Brackenbury Primary School has approved the following procedure which explains what you should do if you have any concerns about the school. Members of staff will be familiar with the procedure and will be able to assist you. Please note that in this procedure, the word "governor(s)" also includes associate members of the Governing Board.

2. Definition of a complainant

A complainant is someone:

- who allegedly has been wronged
- whose child(ren) may have been wronged (i.e. parent or carer or other person with parental responsibility) or
- someone representing a person in one of the above groups, for example a Councillor.

Where a complainant is a pupil under the age of 18 years, the complaint may be pursued by the child themselves, their parent, or someone on behalf of, the child or on behalf of the child's parent or carer. Where someone other than a pupil or a parent/carer is pursuing a complaint, this can be done only with the express consent of the pupil or parent concerned.

3. Which procedure do I need?

Sometimes, when concerns are more specific, there are other 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 school reception.

- Pupil admissions; please see the school's admissions policy or contact Hammersmith and Fulham Council <https://www.lbhf.gov.uk/children-and-young-people/schools-and-colleges/school-admissions>
- Pupil exclusions; please see the school's behaviour policy.
- Safeguarding concerns; please see the school's safeguarding policy.
- Staff grievance, capability or disciplinary; these are covered by the school's grievance procedure.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Anonymous complaints from staff – please refer to the whistleblowing policy.

- Subject Access Requests and Freedom of Information Requests – please see the school's Data Protection and Freedom of Information policy

4. Raising concerns

The majority of concerns can be dealt with without resorting to the 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 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 Data Protection Act 1998. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint. We would request that any concerns are not discussed publicly and kept confidential. An anonymous concern or complaint will not be investigated under this procedure.

5. 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. The officer responsible for dealing with this is the Local Authority Designated Officer (LADO) who will take over the investigation or direct the school to investigate if the concern is below their threshold. Any action taken will be in accordance with the school's safeguarding policy which can be found on the school website or from the school office. If the school had led the investigation the school will respond to the complainant. If this is a LADO led investigation the LADO will respond to the complainant.

6. Social Media

In order for complaints to be resolved as quickly and fairly as possible, Brackenbury Primary School requests the complainants do not discuss complaints publicly via social media. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

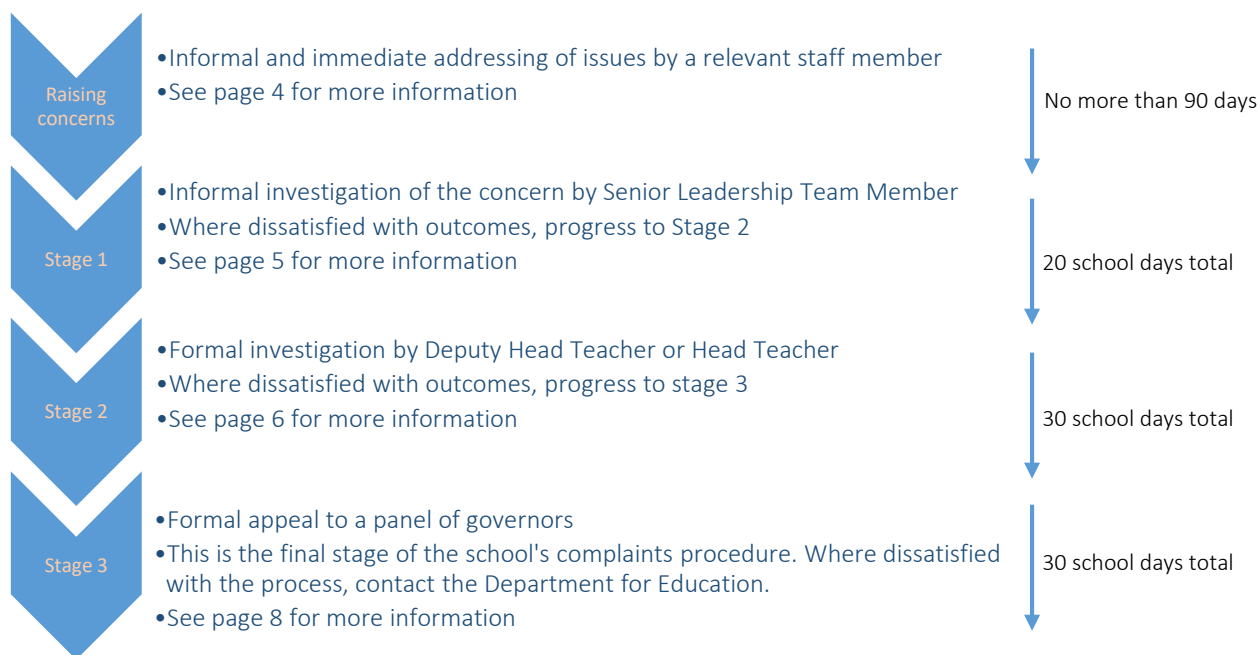
7. Complaints that result in staff capability or disciplinary

If at any formal 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 Head Teacher and/or the individual's line manager. The complainant is not entitled to participate in the proceedings or receive any detail about them.

8. 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 and with this response and believe the issue has not been resolved, please use the following procedure as detailed below.

9. Timeline



10. Timeframes

Brackenbury Primary School will endeavour to abide by 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 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.

Brackenbury Primary School reserves the right not to investigate complaints that have been made 90 days 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 Head Teacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

11. Who should I approach?

We know that when parents have a concern that relates to their child at school, they often feel the best way forward is to ask to see the Head Teacher or Deputy Head – whether this is pastoral, curriculum-related or staffing-related in nature. However, it is our experience that many of these concerns can often be most quickly resolved informally by talking first to the most appropriate person. The flow chart below outlines who this will be:

Learning Concerns	Pastoral Concerns	Concerns relating to particular learning or physical needs	Issues relating to staff	Concerns & queries relating to school administration
<p>Please raise your concern with your child's class teacher in the first instance:</p> <p>Nursery: Ms Jebeli RW: Ms Webb RH: Ms Husted 1B :Ms Binger 1J: Ms Jacob 2L: Ms Long 2B: Ms Bentien 3A: Mr Armstrong 3LH: Ms Lowney/Ms Harroo 4A: Ms Alley 4C: Ms Curtis 5C: Ms Czyba 5P: Ms Panayi 6F: Mr Fricker 6H: Ms Hammond 6K: Ms Karim</p>	<p><i>(Pastoral care covers our support of your child's individual needs, their emotional wellbeing and helping them with any personal problems they may be experiencing at school)</i></p>	<p><i>Where a concern is related to a special need and you feel an adjustment may be required to support successful learning e.g. issues related to ASD (Autistic Spectrum Disorders), dyslexia, dyspraxia or physical disabilities</i></p>	<p>Please contact our office staff who will forward your concern to the most appropriate person.</p>	<p>Please speak to Mr Finnemore Business Manager</p>
<p>If you feel the class teacher is unable to help, please contact the Phase Leader. Our Phase Leaders are responsible for the behaviour and pastoral care of each of their year groups:</p> <p>Ms Husted: Nursery, Reception & Year 1 Ms Long: Years 2 and 3 Mr Fricker: Years 4, 5 & 6</p>	<p>Please raise your concern initially with your child's class teacher. They may enlist the help of our school drama therapist Rachel Butler or our Family Practitioner Simone Brooks</p>	<p>Please raise your concern with your child's class teacher in the first instance</p>		
<p>Please make an appointment to see our Assistant Head, Ms Peacock or Deputy Head Teacher, Ms Ross, if you remain concerned after following the steps above.</p>	<p>Then, if the concern is related to learning English as an Additional Language (EAL) please arrange an appointment with our EAL teacher Ms Head (for Y3-6)</p>	<p>For all other concerns related to learning and physical needs, please arrange an appointment with our SENDCo and Inclusion Manager, Mrs McGovern</p>		
<p>Please make an appointment to see our Head Teacher, Mr Collins, if you remain concerned after following the steps above.</p>	<p>Teachers are available after school for informal conversations and appointments can be made with all of the above by contacting the school office on 020 8743 3074 or emailing admin@brackenbury.lbhf.sch.uk</p>			
<p>If you are writing to the school, it is really helpful if you can give us as much information about the background of your concern or complaint as possible, including who it involves, and what you would like the outcome to be.</p>				

12. Complaints about the Head Teacher or the governors

Where a complaint regards the Head Teacher, the complainant should first directly approach the Head Teacher 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 (c/o the School office, Brackenbury Primary School, Dalling Road, Hammersmith W6 0BA). The Stage 2 process will then commence, but with the Chair of Governors as the individual responsible for the investigation rather than the Head Teacher.

Where a complaint regards a governor, the same process applies as for the Head Teacher. 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 or an independent investigator will mediate any proceedings.

13. Stages of the Complaint

Stage 1 – Informal investigation of concern by a member of the Senior Leadership Team (SLT)

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 relevant Senior Leader (Phase Leader, Inclusion Manager or Business Manager)
2. The complainant must explain in writing
 - 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 member of SLT (Senior Leadership Team) will respond within 5 school days of having received the written 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 staff member will arrange an informal mediation meeting between the two parties to see if a resolution can be come to.
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, and launch a formal written complaint.
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 Act 1998

Stage 2 – formal complaint investigation by Deputy Head or Head Teacher (or Chair of Governors if the complaint is in relation to the Head Teacher)

1. The complainant should submit a formal complaints form to the Head Teacher (or Chair of Governors if the complaint is in relation to the Head Teacher). See the end of the procedure for the contact details and for a copy of this form.
2. The Head Teacher / Chair of Governors 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 by either themselves or the Deputy Head, 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 Deputy Head Teacher / Head Teacher / Chair of Governors 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.

Note: all relevant evidence will be clear, include the questions posed if relevant. It will include the time and date of when the account was taken. If relevant, it will include who conducted the interview or how the statement was collected.

5. The Deputy Head Teacher / Head Teacher / Chair of Governors will 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 Deputy Head Teacher / Head Teacher / Chair of Governors 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 Deputy Head Teacher or Head Teacher / Chair of Governors 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 Deputy Head Teacher / Head Teacher / Chair of Governors 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 Deputy Head teacher or Head Teacher at stage 2 of the procedure, or they are not satisfied with the action that the Deputy Head Teacher or Head Teacher 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 Deputy Head Teacher's / Head Teacher's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

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 Deputy Head Teacher / Head Teacher's decision or it will not be considered. 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.
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 Senior Leader 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.

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, the complainant may request that the appeal is heard by an entirely independent panel. If this takes place 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.

14. 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 Head Teacher 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. 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 Head Teacher 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 Head Teacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the chair upholds the Head Teacher's decision not to look into the complaint and the complainant deems this decision to be unreasonable, then the complainant may write to the Department for Education (see the contact details at the end of the document).

15. 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. Letters should be addressed to the Clerk of Governors, Brackenbury Primary School, Dalling Road, Hammersmith, LONDON W6 0BA. The chair of governors should also be contacted via the Clerk at the address above.
- If the complainant feels that the governing board acted 'unreasonably' or illegally in the handling of the complaint, they can complain to the Department for Education School Complaints Unit (SCU) 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.

The SCU will look at whether the school's complaints procedure 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 by the school. Further information and guidance can be found at <https://www.gov.uk/complain-about-school>

- Ofsted will also consider complaints about schools if your concern affects the school as a whole. For example:
 - the school is not providing a good enough education
 - the pupils are not achieving as much as they should, or their different needs are not being met
 - the school is not well led and managed, or is wasting money, or
 - the pupils' personal development and well-being are being neglected.

Ofsted will not normally investigate cases to do with individual pupils. Further information and guidance can be found at: <https://contact.ofsted.gov.uk/online-complaints-schools>

16. 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>

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>



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?	
Are you attaching any paperwork? If so, please give details	

Signed:	
Dated:	

Official use

Date received:

Signed: