

Sydenham School Complaints Policy

Updated March 2017

To be reviewed March 2018



Whole School Policy – Complaints

Rationale

Sydenham School wishes to ensure that all complaints and grievances are resolved quickly and fairly.

The vast majority of concerns are dealt with immediately and satisfactorily at an informal stage. However, the school recognises that there may be occasions when a formal complaint will be pursued. Therefore, this document sets out to provide an efficient and accessible complaints procedure with clear channels of communication.

This complaints procedure refers to general complaints and does not cover complaints about the following issues for which there are specific statutory regulations and LAA – Local Authority Advisor appeal mechanisms:

- The LAA decisions on special educational needs assessments and school placements
- School admissions and transfers
- Exclusions
- Employment

More specific procedures apply to:

- Staff disciplinary issues
- Financial impropriety or other criminal activity
- Alleged child abuse

Aims

- To resolve concerns through informal discussion at the earliest stage
- To ensure that complainants are confident that their concerns will be dealt with quickly and effectively
- To have clearly defined timescales and a named contact
- To focus on a resolution
- To provide a fair and transparent investigative process for the school and the complainant

Objectives to achieve aims

- The school's complaints procedure will be published on the school website.
- An information booklet on 'How to Make a Complaint' will be issued to all new parents
- All staff and Governors will be familiar with the procedure
- The procedure will be followed sequentially
- Complaints that relate to school issues will not normally be considered outside the school until the full internal school procedure has been exhausted.

- A complaints panel will be agreed at the beginning of each year
- The Headteacher is responsible for the internal organisation, management and control of the school and for advising on and implementing the Governors policies. The Headteacher is solely responsible for making day-to-day decisions.
- An individual Governor will not respond to or investigate a complaint unless designated to do so by the Chair of Governors.

The Procedure

The preliminary stage – an informal approach

- Contact the school to speak informally with the appropriate or designated member of staff as soon as you have a concern. This may be your child's form tutor, Year Learning Coordinator or a Deputy Headteacher.
- If the concern is about the Headteacher, you should contact the Vice Chair of Governors.
- If your concern is not resolved, you will be referred to the next stage of the complaint procedure. This is clearly outlined on the school website. Please go to [Policies | Sydenham](#)

Stage 1 The Headteacher

- If your concern was not resolved in the preliminary stage you (the complainant) should now write to the Headteacher, giving details of the concern and enclosing any appropriate paperwork
- The Headteacher, or a designated senior member of staff, will acknowledge the complaint in writing within five working days
- If the complaint requires an in-depth investigation, the Headteacher or designated senior member of staff will acknowledge this and advise you that a full response will take longer but it will, if possible, be completed within twenty working days
- In order that all parties have a shared record and understanding of the issues and the actions, the Headteacher or senior member of staff will summarise the main points of the meeting in a letter.
- If you still remain dissatisfied, the Headteacher will decide when to give a final response and refer you (the complainant) to stage 2 of the procedure.

Stage 2 Chair of Governors

- If you (the complainant) are still dissatisfied, the Headteacher will advise you to write to the Chair of Governors outlining the complaint, explaining your reasons for pursuing it beyond the Headteacher stage and enclosing any relevant paperwork
- The Headteacher will advise you not to discuss the complaint with any other member of the Governing Body as this would make it difficult to form an appeals panel of Governors who have had no previous involvement in the case
- The timescales for acknowledging the complaint and making a response will be the same as set out in Stage 1.

The aim of this stage is conciliation between all parties. In the first instance the Chair of Governors will decide who is responsible for dealing with the issues and what powers are available to Governors with respect to the particular complaint. In particular, the Chair of Governors will decide if the issues are related to responsibilities that:

- are delegated to the Headteacher by the Governing Body or:
- fall within the Governing Body's remit or:
- are within the Headteacher's terms and conditions of employment and relate to the internal organisation, management and control of the school.

For delegated responsibilities and matters within the remit of the Governing Body, the Chair of Governors may look at the whole issue.

If the matter relates to the Headteacher's conduct, the Chair of Governors will decide whether the matter should be dealt with through the complaints procedure or through the staff disciplinary procedure.

For matters that are the Headteacher's responsibility, the Chair of Governors is only empowered to look at whether the Headteacher's decision or action was reasonable in the light of the information available at the time.

If you are still unhappy with the outcome, the Chair of Governors will offer a right of appeal to the Governing Body Complaints Panel.

Stage 3 Governing Body Complaints Panel

If you (the complainant) wish to appeal to the Governing Body you will be advised to do so by writing to the Clerk to the Governing Body. The issues should be described in detail and reasons given as to why the previous stages have not been satisfactory. The form on which to do this is Appendix A. You will be reminded not to discuss the complaint with members of the Governing Body, who would then not be able to be members of the Appeals Panel. The Governors' powers will be explained to you as in the previous stage. Two forms of appeal will be considered. They are reconsideration or review.

Reconsideration

When the issue relates to delegated responsibilities, the panel will look at the matter afresh with any new information that the Headteacher may not have been aware of at the time of the original response or action. In the light of additional information, the panel may decide to write and ask the Headteacher to give the matter further consideration.

Review

If the matter falls within the Headteacher's decision-making responsibilities, then the panel will only have the power to review the decision, not to consider the matter afresh. It may look at whether the decision or action was reasonable. An unreasonable decision or action may be one that is irrational, that is a decision that no reasonable Headteacher, who is properly aware of their duties, and properly taking into account all the facts of the case, would make.

The panel will consider the facts as they were known to the Headteacher at the time and then consider whether the Headteacher.

- failed to take account of a relevant consideration, or:
- took into account an irrelevant fact, or:
- made a 'perverse' decision in the light of the evidence available at the time, or:
- made a reasonable decision in the light of the evidence available at the time.

If new evidence does come to light, the Panel will refer it back to the Headteacher, who may consider amending the decision in the light of the new information. In deciding whether the Headteacher's decision was 'perverse' the panel will judge whether the decision was one that, on the facts, was open to the Headteacher to make within a reasonable range of responses, in the light of the evidence available.

Arrangements for the meeting

The Clerk will arrange and facilitate the meeting. The Panel will consist of three Governors with no prior involvement in the matter and the chair should be designated before the meeting. The meeting will follow a formal agenda, although the meeting itself can be held in an informal atmosphere. The Clerk will inform you (the complainant) in writing of the panel's decision within two school days following the meeting. The letter will include:

1. a summary of the issues
2. an outline of the main points of discussion
3. the reason for the decision
4. proposed actions and outcomes.

The Panel's letter may suggest that the Headteacher and complainant meet again to agree a way forward.

For issues relating to the National Curriculum or the provision of Religious Education, you (the complainant) may appeal to the Local Authority, i.e. Lewisham.

For general complaints this is the final stage of the school's complaint procedure.

Stage 4 Local Authority (LA)

The LA offers a further right of appeal for complainants who have exhausted the school's complaints procedures, if the complaint is about:

- the National Curriculum and related matters
- the provision of collective worship and religious education.

For general complaints about a school, the LA has no remit or powers beyond reminding schools of their legal obligations. Therefore, for individual general complaints which relate to internal school matters and have exhausted the school's own complaints procedure, there is no right of appeal to the LA as it has no powers to direct the school to change its decision.

If a complaint cannot be resolved further, the Headteacher, Governors and you (the complainant) may seek further advice from the LA's complaints adviser.

Secretary of State

If a complainant wishes to pursue a complaint because they feel the school has acted unreasonably, they can write to the Secretary of State. The Secretary of State will contact the Governing Body and LA for more detailed information. The Secretary of State has the power to direct the school to revise an action using the same criteria as applied by Governors.

Ombudsman

There is no School Ombudsman. The Local Government Ombudsman will consider matters relating to the LA's responsibility but cannot consider matters about the internal management of the school.

FORMAL COMPLAINT FORM –SYDENHAM SCHOOL - APPENDIX A

Name

Address

Postcode

Telephone No.

Day:

Evening:

What is it you want to complain about?

Have you complained to the Headteacher?	YES	NO
If so when?	Date:	

What happened when you complained to the Headteacher?

What would you like us to do to put things right?

Signed Date:	

Please return this form to the Chair of the Governing Body in a sealed envelope via the School Office.