

# MUNDELLA PRIMARY SCHOOL



## COMPLAINTS POLICY

Date of issue	Next review	Version	To be read in conjunction with in house documents	Updated information
Jan 2018	Jan 2020			
Signed: Chair of Governors				
Signed: Headteacher				

## **Introduction**

This document sets out the school's procedure for addressing complaints. It should be used only when informal attempts to resolve problems have been unsuccessful. If you have any concerns about the school or the education provided, please discuss the matter first with your child's class teacher at the earliest opportunity. The school considers any concerns very seriously and most problems can be resolved at this stage.

Please note that this procedure does not apply to issues concerning the curriculum, collective worship, admissions, exclusion appeals, decisions about your child's special educational needs or grievances by school staff. These are the subject of separate complaints procedures. Copies of these procedures can be obtained from the school.

All other complaints are handled by the school according to the arrangements set out below.

## **Aims and Objectives**

The school will give careful consideration to all complaints and deal with them fairly and honestly. We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

## **Our Procedure Aims to**

- be easily accessible and publicised
- be simple to use and understand
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality, wherever possible (some information sharing may be necessary to carry out a thorough investigation)
- address all points of issue, providing an effective response and appropriate redress, where necessary
- provide information to the school's senior management team so that services can be improved.

## **General Principles**

### **A. Anonymous Complaints**

We will not normally investigate anonymous complaints but may do so. In exercising this discretion the factors we would take into include: -

- The seriousness of the issues raised;
- The credibility of the concern; and
- The likelihood of confirming the allegation from attributable sources.

If the complaint is to be investigated, the Head Teacher will deal with the matter or designate the duty to a senior member of staff. Details of the complaint and the result of the investigation will be reported in the next Headteacher Report to the Full Governing Body.

### **B. Complaints Made Out Of Time**

To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. If your complaint is made 3 months after the date you learned that something went wrong it will not be considered, although we may accept your complaint for one or more of the following reasons: -

- You are a vulnerable adult or child and did not complain because you were scared of what might happen.
- We believe that there would be a benefit to you in looking into your complaint.

### C. Complaints relating to freedom of information and environmental information requests

Complaints about freedom of information and environmental information requests will be the subject of an internal review. The review will be carried out by the Headteacher or designated to a senior member of staff. Details of the review and its outcome will be reported in the next Headteacher Report to the Full Governing Body. If you are unhappy with the outcome of the review you can refer the matter to the Information Commissioner at the following address: -

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF;

Telephone: (01625) 545700

Website: [www.ico.gov.uk](http://www.ico.gov.uk) Enquiries: [www.ico.gov.uk/Global/online\\_enquiries.aspx](http://www.ico.gov.uk/Global/online_enquiries.aspx)

### D. Complaints subject to legal proceedings

We will not usually look into your complaint if you have or intend to take legal action in relation to the issue. If we have started to look into your complaint we may put it on hold until after the legal proceedings have finished. In certain circumstances we may look into your complaint, for example, where putting it on hold would result in you losing a service or not being provided with a service to meet your needs.

### E. Accessibility and equal opportunities monitoring

We are committed to making sure that everyone has equal access to all our services, including the complaints procedure. To help make sure our complaints procedure is easily accessible we:

- use plain language;
- accept complaints in writing, by e-mail, via our website or by any other reasonable means; and
- provide information and responses in Braille, large print, audio, easy read format and other languages where needed.

We will respond fully to any formal request for information under Section 138 Equality Act 2010 from us if you think you have been discriminated because we have breached an equality duty or rule.

After you have made a complaint we may ask you for further relevant equality data such as your age, gender, ethnic origin and whether or not you consider yourself to be a disabled person.

### F. Unreasonable and unreasonably persistent complaints

We do not normally limit contact with the school. However, if you display unreasonable behaviour, for example, offensive or threatening behaviour towards our staff we may take action to limit your contact. Similarly if you are unreasonably persistent for example, you contact the school so many times that it hinders our handling of your complaint we may take action to limit your contact.

If we do find your behaviour unreasonable we will tell you why and ask you to change it. If you continue to behave unreasonably we will take action to restrict your contact with the school.

### G. Timescales

Investigation of any complaint or review request will begin within 5 school days of the receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as is reasonably practicable.

**All complaints made to the school of the types listed above will be reported by the Headteacher to the Governing Body, whether they are investigated or not.**

### **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. In the case of serious concerns it may be appropriate to address them directly to the Headteacher. An unreasonable refusal to attempt an informal resolution may result in the procedure being terminated forthwith. Any dispute in relation to the "reasonableness" may be determined through the review process.

### **Formal Complaints Procedure**

#### **Stage 1**

If you feel that a concern has not been addressed through informal discussion, and you wish to have the matter formally investigated by an appropriate person from the school, please complete a complaint form. If you would like help completing the form, the school will be happy to provide the assistance of someone unconnected with the complaint. The school will acknowledge in writing receipt of the complaint form within **three working days** after receiving it. The school will enclose a copy of the school's complaints procedure with the acknowledgement. Initially your complaint will be dealt with by the Class Teacher. If you are not satisfied with the result from the Class Teacher then the procedure will be as follows:

If the matter is about:

- the day-to-day running of the school
- the interpretation of school policies
- the actions or inactions of staff at the school

These are concerns/complaints under the Headteacher's responsibility and will be investigated by the headteacher or a senior member of staff nominated by the headteacher. ***See D1 for flowchart.***

If the matter is about:

- school policies as determined by the governing body
- the actions or inactions of the governing body
- the headteacher

These are concerns/complaints under the Governing Body's responsibility and will be investigated by the Chair of Governors or a governor nominated by the Chair. It may be necessary to appoint an independent investigator in certain circumstances. ***See D2 for flowchart.***

If the complaint is a staff disciplinary or capability issue, then the matter will be dealt with by following the appropriate procedure rather than the complaints procedure. You will be notified if this is the case with your complaint, but you are not entitled to know which procedure or the final outcome.

### **Monitoring and Review**

The log is reported regularly within Headteacher Reports to Full Governing Body meetings for Governors to examine, question and consider the need for any changes to the procedure. Agendas, minutes and supporting papers (including the Headteacher's reports) for Governing Body meetings are available from the School Office.

### **Availability**

A copy of this procedure is available to all parents on request and is also outlined in the School Prospectus.

This policy was adopted and reviewed by the Governing Body on 08.06.16 and is reviewed annually.

## **Concern - Informal**

You should try and resolve the problem with the school.

**Resolved?**

**Yes - No further action**

**No.**

### **Formal – Stage 1**

You will be given copies of the complaints procedure and complaint form and offered support in completing the form. You will have 3 days to complete and return the form.

### **Formal – Stage 1**

Form received by school

Headteacher's responsibility –

Head Teacher deals with matter or designates senior member of staff and write to you with the outcome of the process within 10 working days of receiving the complaint

**Resolved?**

**Yes. No further action**

**No.** Complainant wishes to move to **Stage 2** of the procedure and notifies the school in writing within 10 working days.

## Formal – Stage 2

Complaint form passes to the Chairman or designates a governor to review whether the complaint has been properly dealt with



**Resolved?**



**Yes.** No further action



**No.** Complainant is given copy of Procedure for Governing Body Complaints Panel Hearing. A governor complaints panel is set up to consider the complaint within 10 working days of the complaint being passed to the governing body. It consists of 3 governors, with no prior knowledge of the complaint, who will consider written and verbal submissions from the complainant and the headteacher



The panel meets to consider the complaint and make a final decision on behalf of the governing body.



Panel writes to complainant with its conclusion within 5 working days of the meeting



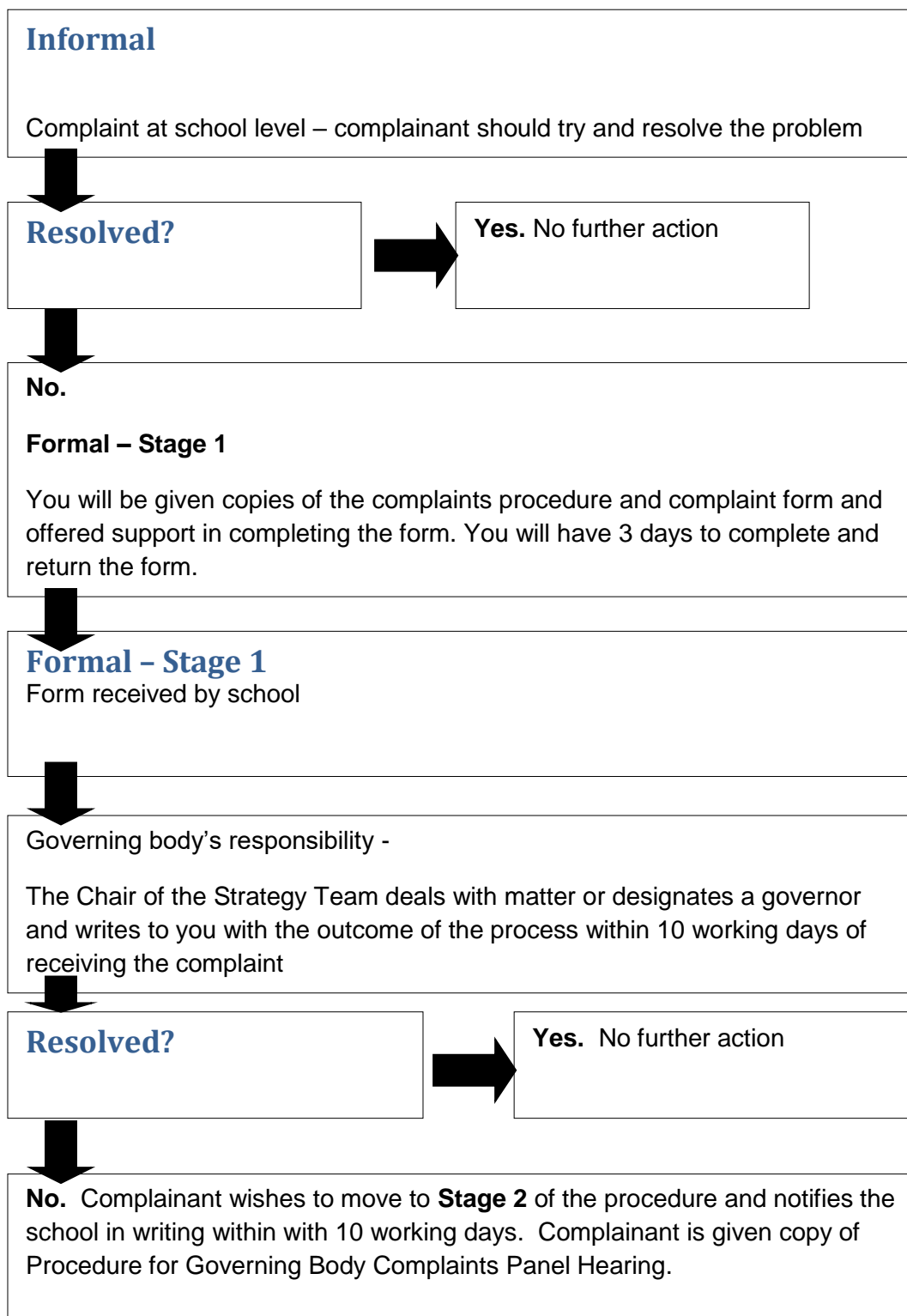
**Resolved?**



**Yes.** No further action



**No.** The complainant may decide to write to the Department for Education (weblink: <http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/guidance-on-making-a-complaint-about-a-school>), if they feel the school has acted unreasonably or not followed the correct procedures



## Formal – Stage 2

Complaint form passes to the governing body



A governor complaints panel is set up to consider the complaint within 10 working days of the complaint being passed to the governing body. (See Procedure for a Governing Body Complaints Panel hearing). It consists of 3 governors, with no prior knowledge of the complaint, who will consider written and verbal submissions from the complainant and Chairman of Governors (or designated governor)



The panel meets to consider the complaint and make a final decision on behalf of the governing body.



Panel writes to complainant with its conclusion within 5 working days of the meeting



**Resolved?**



**Yes.** No further action

**No.** The complainant may decide to write to the Department for Education (weblink: <http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/guidance-on-making-a-complaint-about-a-school>) if they feel the school has



### **E. Complaint Form**

Please complete and return to the School Office who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Please give details of your complaint:**

**What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?**

**What actions do you feel might resolve the problem at this stage?**

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

**Signature:**

**Date:**

.....

**Official use:**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**

## **F. Procedure for a Governing Body Complaints Panel Hearing**

The Governing Body Complaints Panel operates according to the following formal procedures:

1. The Chair of the Governing Body Complaints Panel will aim to arrange for the panel meeting to take place within **10 working days**.
2. The Chair of the Governing Body Complaints Panel will ask you whether you wish to provide any further written documentation in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if you wish.
3. The Head Teacher will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
4. The Chair of the Governing Body Complaints Panel will inform you, the Head Teacher, any relevant witnesses and members of the panel by letter, at least **five working days** in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.
5. With the letter, the Chair of the Panel will send you all relevant correspondence, reports and documentation about the complaint and ask whether you wish to submit further written evidence to the panel.
6. The letter from the Chair of the Panel will also inform you that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish.
7. With the agreement of the chair of the panel, the Head Teacher may invite members of staff directly involved in matters raised by you to attend the meeting,
8. The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
9. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
10. The chair of the panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
11. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked maintain confidentiality in the minutes.
12. During the meeting, you can expect there to be opportunities for:
  - you to explain your complaint;
  - you to hear the school's response from the Head Teacher;
  - you to question the Head Teacher about the complaint;
  - you to be questioned by the Head Teacher about the complaint;
  - the panel members to be able to question you and the Head Teacher;
  - any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
  - you and the head teacher to make a final statement.
13. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the head teacher and yourself **within five working days**. All participants other than the panel and the clerk will then leave.
14. The panel will then consider the complaint and all the evidence presented in order to:

- reach a unanimous, or at least a majority, decision on the complaint;
  - decide on the appropriate action to be taken to resolve the complaint;
  - recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
15. The Chair of the Panel will send you and the head teacher a written statement outlining the decision of the panel **within five working days**. You are entitled to have the handling of the complaint reviewed by the local authority. That process is not strictly an appeal, as the local authority cannot direct the governing body in most general complaints cases. It is, however, an opportunity to seek the view of an official third party and the outcome, including any recommendations, may be helpful to you in seeking resolution of the complaint, through the Local Government Ombudsman if necessary.
16. We will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records.