MITCHELL BROOK
PRIMARY SCHOOL

# Complaints Policy

# 1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- be impartial and non-adversarial;
- facilitate a full and fair investigation by an independent person or panel, where necessary;
- address all the points at issue and provide an effective and prompt response;
- respect complainants' desire for confidentiality;
- treat complainants with respect;
- ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law;
- keep complainants informed of the progress of the complaints process; and
- consider how the complaint can feed into school improvement evaluation processes.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

# 2. Legislation and guidance

This document meets the requirements of section 29 of the Education Act 2002, which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on guidance for schools on complaints procedures from the Department for Education (DfE).

In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

# 3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- admissions;
- statutory assessments of special educational needs and disabilities (SEND);
- safeguarding matters;
- exclusions;
- whistle-blowing;
- staff grievances; and
- staff discipline.

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEND about the school's support are within the scope of this policy. Such complaints should first be made to the class teacher; they will then be referred to this complaints policy. Our Special Educational Needs and Disability Policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

## 4. Principles for investigation

When investigating a complaint, we will try to clarify:

- what has happened;
- who was involved; and
- what the complainant feels would put things right.

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than three months afterwards. We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

## Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at https://www.gov.uk/government/organisations/ofsted#org-contacts.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

# 5. Stages of complaint (not complaints against the headteacher or governors)

## (a) Stage 1: Informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact her/him/them, s/he should contact the school office.

The school will acknowledge informal complaints within five working days days and investigate and provide a response within 10 working days.

The informal stage will involve a meeting between the complainant and the teacher about whom the complaint was made.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

## (b) Stage 2: Formal

### (i) How to raise a complaint

Formal complaints can be raised:

- By letter or email or by completing the Complaints Form – Appendix 2 (page 11)
- Over the phone
- In person
- By a third party acting on behalf of the complainant

The complainant should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents, and what s/he feels would resolve the complaint.

If complainant needs assistance raising a formal complaint, s/he can contact the school office.

The headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns and seek a resolution. The complainant may be accompanied to this meeting and should inform the school of the identity of her/his companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as it is aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct her/his own investigation. The written conclusion of this investigation will be sent to the complainant within 10 working days.

If the complainant wishes to proceed to the next stage of the procedure, s/he should inform the chair of governors within 10 working days.

### (ii) How to escalate a complaint

Complaints can be escalated by contacting the chair of governors:

- by letter or email;
- over the phone;
- in person or
- through a third party acting on behalf of the complainant

The chair of governors will need the details of the complaint as set out above, as well as details from the complainant on how s/he feels the previous stage of the procedure has not addressed the complaint sufficiently, and what s/he feels would resolve the complaint.

The written conclusion of this investigation will be sent to the complainant within 10 working days.

If the complainant wishes to proceed to the next stage of the procedure, s/he should inform the chair of governors in writing within 10 working days.

## (c) Stage 3: submit the complaint to the review panel

The review panel consists of members of the governing board without direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress (see section 9).

The complainant must have reasonable notice of the date of the review panel. However, members of the review panel reserve the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have the opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if s/he wishes.

At the meeting, each individual will have the opportunity to give statements and present her/his evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The school will inform those involved of the decision in writing within 10 working days.

## 6. Complaints against the headteacher, a governor or the governing board

Complaints made against the headteacher should be directed to the chair of governors.

Where a complaint is against the chair of governors, any member of the governing board, or the entire governing board, it should be made in writing to the clerk to the governing board in the first instance.

Where a complaint is against the headteacher, the chair of governing board or in other governor, a panel of three governors, none of whom would have had any involvement in the case, will deal with the complaint (as in Stage 3 above). The procedure to be used is set out in the Appendix.

## 7. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, s/he can refer her/his complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were followed. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

https://www.gov.uk/complain-about-school

## 8. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- the school has taken every reasonable step to address the complainant's needs, *and*

- the complainant has been given a clear statement of the school's position and her/his options (if any), *and*
- the complainant is contacting the school repeatedly but making substantially the same points each time.

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- it has reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- the individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- the individual makes insulting personal comments about, or threats towards, school staff.

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

## Unreasonably persistent complaints

### Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- publishing a single response on the school website and/or
- sending a template response to all of the complainants.

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

# 9. Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential, held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on her/his behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and the records management policy and retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

## 10. Learning lessons

The governing board, appropriate committee or responsible governor will review any underlying issues raised by complaints with the headteacher or nominated member of the senior management team where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## 11. Monitoring arrangements

The governing board, appropriate committee or responsible governor will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing board, appropriate committee or responsible governor will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Data Protection Officer at the school.

This policy will be reviewed by responsible governor for Data Protection every three years. At each review, the policy will be approved by the appropriate committee.

## 12. Links with other policies

Policies dealing with other forms of complaints include the

- Child Protection and Safeguarding Policy and Procedures;
- Admissions Policy;
- Exclusions Policy;
- Staff Grievance Procedure;
- Staff Disciplinary Procedure;
- Special Education Needs and Disability Policy and Information Report; and
- Privacy Notices

# Stage 3 Hearing Appendix 1

The panel of governors will be appointed by the full governing board and consist of three members - none of whom would have had anything to do with dealing previously with the complaint. The complaints panel will convene within 15 working days of receipt of the complaint or as soon as practicable thereafter.

Written evidence will be circulated to both parties and members of the panel in advance of the meeting and the procedure will be as follows.

1. Introductions by the chairperson of the panel.
2. Complainant makes statement of complaint and background.[1]
3. Questions to complainant by the headteacher/chairperson of governors and members of the panel.
4. Headteacher/chairperson of governors makes statement.
5. Questions to headteacher/chairperson of governors by complainant and members of the panel.
6. Headteacher/chairperson of governors makes final statement.
7. Complainant makes final statement.
8. Interested parties withdraw from the meeting and the panel reaches a decision on whether the complaint is upheld or rejected. In either case, the panel may call for certain action to be taken by the school.
9. Both parties are informed of the decision no later than three days after the hearing.

The decision of the panel of governors will be binding on the headteacher, chair of governors and the school. If the complaint is a curricular one and the complainant is dissatisfied with the outcome, she or he may refer the matter to the Director of Children's Services of Brent. If the complaint is related to a non-curricular matter and the complainant is dissatisfied with the decision of the governing board, she or he may take the matter further to the Secretary of State for Education and Employment on the grounds that the governing board has behaved unreasonably.

Should an investigation into a complaint lead to disciplining a member of staff, all those involved in the investigation or hearing will not participate in the disciplinary action that may follow - in order to secure natural justice.

[1] In presenting its case, each party may call witnesses who could be questioned by the other side and members of the panel.

# The Complaints Form

# Appendix 2

MITCHELL BROOK
PRIMARY SCHOOL

**Please complete and return to the Headteacher, 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 who:**
**Complaint referred to:**

| **Date:** |
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