

# St Margaret's CE Junior School



## Complaints Procedure Policy

**Date approved by Governing Body: 17<sup>th</sup> June 2021**

**Date for review: June 2023**

**Signatories (Virtual on Governor Hub):**

**David Hugill (Headteacher)**

**Charles Freeman (Chair of Governors)**

**Who can make a complaint?**

Parents/carers of children registered at the school or members of the public may make a complaint about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as admissions or exclusions), this complaints procedure applies.

**The difference between a concern and a complaint**

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

A complaint is 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

**Ethos – working together**

At St. Margaret's we are fully committed to meeting the needs of pupils, parents and other stakeholders in the school community. Both staff and children try to live by our motto, 'Everyone is valued, everyone is motivated, everyone achieves.' The children mean a lot to us and we always try our best to provide a safe and welcoming educational environment in which they can thrive.

We work closely with our parents/carers and welcome positive and constructive feedback. It is in everyone's interest that issues, concerns and complaints are resolved at the earliest possible stage.

**Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure.** All staff take concerns seriously and make every effort to resolve the matter swiftly.

**The class teacher can often resolve worries or issues and should be the first port of call, unless it is about something beyond the class.**

If you feel unable to discuss a concern with a particular member of staff, the deputy headteacher or headteacher will refer you to another staff member or deal with it themselves. The ability to consider the concern objectively/impartially is the important factor.

We understand that on some occasions people would like to raise their concerns formally. In this case, we will attempt to resolve the issue through the stages outlined within this complaints procedure.

**How to raise a concern or complaint**

A concern or complaint can be made in person, by telephone or in writing. Concerns should be raised with the class teacher or a senior leader. If the issue is not resolved, the complainant can arrange to discuss it with the headteacher/deputy headteacher.

The vast majority of concerns/complaints will be fully resolved at this stage. However, if the issue remains unresolved, the next step is to make a formal complaint.

Individual governors should not be approached to raise concerns or complaints. They have no power to act and it may also prevent them from considering complaints at Stage 2 of the procedure.

- I. Complaints against school staff should be made to the headteacher, **confidentially** via the school office.
- II. Complaints that involve or are about the headteacher should be addressed to the Chair of Governors, **confidentially** via the school office.
- III. Complaints about the Chair of Governors, an individual governor or the governing body should be addressed to the Governing Body's Clerk, **confidentially** via the school office.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure e.g. holding meetings in accessible locations.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Complaints Time Line**

You must raise the complaint within three months of the incident (or last in a series of incidents). Complaints made outside of this period will only be considered in exceptional circumstances.

**N.B.** We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

### **Scope of this complaints procedure**

This procedure covers complaints about provision of community facilities or services by St. Margaret's C.E. Junior School, other than complaints dealt with under other statutory procedures, including:

<b>Exceptions</b>	<b>Who to contact</b>
(a) Admissions to schools (b) Statutory assessments of Special Educational Needs (c) School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Staffordshire Local Authority.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. For serious concerns, you may wish to contact the local authority designated officer (LADO) responsible for safeguarding or the Multi-Agency Hub (MASH).
Exclusion of children from school*	Information on concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> *Use the school's complaints procedure for complaints about the application of the behaviour policy. (Ref: Behaviour Policy)
Whistleblowing	Employees (including temporary) and contractors use an internal whistleblowing procedure. Those who do not want to raise matters direct with their employer can contact The Secretary of State for Education. <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> Volunteer staff should use the school's complaints procedure. You can complain direct to the LA or the DfE, depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff are dealt with under the school's internal disciplinary procedures, if appropriate. Information of any disciplinary action taken against a staff member will not be shared – just that the matter is being addressed.

Complaints about other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

If other agencies are investigating aspects of the complaint e.g. the police, this may delay the timescales or suspend the procedure until those public bodies have completed their investigations.

If a complainant commences legal action against the school in relation to their complaint, we will consider whether to suspend the complaints procedure until those proceedings have concluded.

### **Resolving complaints**

At each stage in the procedure, we want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better and/or an apology
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint

### **Withdrawing a complaint**

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### **Formal Complaint – Stage 1**

Formal complaints should be made to the headteacher (unless they are about him/her), via the school office. This can be done at the telephone, in writing ([a template is in Appendix B](#)) or in person.

The headteacher will log the complaint and acknowledge receipt (email or letter) within 3 school days. Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. This may be at the telephone or in a face-to-face meeting.

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the headteacher (or investigator) will:

- discuss the matter with those involved and/or those complained of (meetings/interviews)
- keep a written record of any meetings/interviews in relation to their investigation

Once investigated, the headteacher will provide a formal written response within 10 school days of receipt. If additional time is necessary, she/he will provide an update and a revised response date.

The response will detail actions taken to investigate and provide an explanation of the decision made. It may also include details of actions taken to resolve the complaint. The headteacher will advise how to escalate the complaint should the complainant remain dissatisfied with the outcome of Stage 1.

Complaints about the headteacher or member of the governing body (including the Chair or Vice-Chair) must be made to the Governors' Clerk, via the school office. In this case, a suitably skilled governor will complete the actions at Stage 1.

Complaints about the Chair and Vice Chair (jointly) **or** the entire governing body **or** the majority of the governing body will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, they will provide a formal written response.

### **Formal Complaint – Stage 2**

If the complainant seeks further resolution after the outcome at Stage 1, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee (three impartial governors). This is the final stage of the complaints procedure.

Please contact the Governors' Clerk, via the school office, within 10 school days of receipt of the Stage 1 response. The Clerk will log the date and acknowledge receipt of the complaint (letter or email) within 5 school days. Requests received beyond this time will only be considered in exceptional circumstances.

The Clerk will aim to convene a meeting within 15 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence based on written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will agree who will act as the Chair of the Complaints Committee. The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, bearing in mind the complainant's needs.

If the complainant is invited to attend the committee meeting, they may bring a relative or friend as support. We do not encourage either party to bring legal representatives although legal representation may be appropriate on occasions e.g. if a school employee is called as a witness, they may wish to be supported by union/legal representation. Representatives from the media are **not** permitted to attend.

Note: Complaints about staff conduct are not handled under this complaints procedure. (Ref: Exceptions Chart p.3)

If the complaint is: jointly about the Chair and Vice Chair or the entire governing body or the majority of the governing body, Stage 2 will be heard by a committee of independent, co-opted governors.

#### **At least 7 school days before the meeting, the Clerk will:**

- confirm and notify the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- request further written material is submitted to the committee at least 5 school days before the meeting – to be circulated to all parties at least 2 school days before the date of the meeting

The committee will not accept, as evidence, recordings of conversations obtained covertly and without the informed consent of all parties recorded. The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint. (Stage 1 applies)

The meeting will be private. Electronic recordings are not permitted unless in exceptional circumstances. In this case, all parties must be aware and provide consent before meetings or conversations take place. Consent must be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The Chair of the Committee will provide the complainant and St. Margaret's C.E. Junior School with an explanation of their decision and the reason(s) for it, in writing, within 7 school days.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions St. Margaret's C.E. Junior School will take to resolve the complaint.

The letter to the complainant will also advise how to escalate their complaint should they remain dissatisfied.

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education (DfE) after they have completed Stage 2.

The DfE will not normally reinvestigate the substance of complaints or overturn any decisions made. They will consider whether St. Margaret's C.E. Junior School has adhered to education legislation and any statutory policies connected with the complaint.

Contact details:

[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

Telephone: 0370 000 2288

Monday to Friday, 9am to 5pm

**Relationship to other policies (refer to school website)**

- Special Educational Needs or SEND Policy
- Child Protection & Safeguarding Policy
- Behaviour Policy

**Policy updated and approved by Governors: 17<sup>th</sup> June 2021**

**Review: June 2023**

**Signatories:**

**David Hugill (Headteacher)**

**Charles Freeman (Chair of Governors)**

## **Appendix A – Roles and Responsibilities**

### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the relevant details
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality

### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough discussion with the complainant to establish the details
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- clarifying what the complainant feels would put things right

The investigator should:

- conduct interviews with an open mind
- keep relevant notes of meetings/details
- ensure that any papers produced during the investigation are kept securely
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems

The headteacher or complaints committee will determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### **Complaints Co-ordinator** (this could be the headteacher, other staff or designated complaints governor)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff, headteacher, Chair of Governors, Clerk to ensure procedures are followed
- be aware of issues regarding:
  - sharing third party information
  - additional support e.g. where the complainant is a child or young person
- keep efficient records

### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the procedure are aware of their legal rights and duties, including under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and GDPR
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (e.g. Stage 1/2 paperwork, school and complainant submissions) and send to parties in advance of the meeting within agreed timescale
- record the proceedings
- circulate the minutes of the meeting

### **Committee Chair**

The chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- Complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the issues are addressed
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one)
- they notify all parties of the committee's decision

### **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial – no governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant  
N.B. the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting – parents/carers often feel emotional when discussing an issue that affects their child
- take extra care if the complainant is a child/young person. Respect their views and give them equal consideration. In addition, try to ensure they do not feel intimidated
- check if a child/young person needs help presenting their complaint
- If a child/young person's parent is the complainant, clarify which parts of the meeting, if any, the parent feels child/young person needs to attend
- Clarify that the committee might consider it is not in the child/young person's best interests to attend some parts of the meeting
- the welfare of the child/young person is paramount

**Appendix B – Complaint Template**

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Best contact telephone number:</b> <b>Email address:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

**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:**