

# Mayespark Primary School Complaints Policy



*The Board of Governors reviewed and agreed these procedures in October 2022. They will be reviewed at least once in the coming three years, or sooner if necessary.*

## COMPLAINTS POLICY

### **1. Introduction**

- 1.1 This policy has been reviewed with reference to the Department of Education's (DfE) "Best Practice advice for School Complaints Procedures 2020".
- 1.2 There is a difference between complaints and concerns. A concern may be defined as "*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*". A complaint may be generally defined as "*an expression of dissatisfaction however made, about actions taken or a lack of action*".
- 1.3 It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The school takes informal concerns seriously and makes every effort to resolve the matter as quickly as possible.
- 1.4 There are occasions when complainants would like to raise their concerns formally. In those cases, our formal procedures will be invoked through the stages outlined in our Procedures.
- 1.5 Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions).
- 1.6 Section 29 of the Education Act 2002 requires all Boards of Governors to have in place a school's complaints procedure to deal with all complaints relative to their school and to any community facilities or services that the school provides. The procedure must be publicised to parents and the procedure must be readily available to anyone requesting a copy.
- 1.7 The procedure outlined in section 2 is not for complaints from staff about matters relating to their duties or employment at the school, or for complaints they may have about parents or carers. Those issues should be dealt with through the school's staffing procedures and policies.
- 1.8 This complaints procedure is intended to be used by those persons who have a complaint relating to the school and no other alternative process exists for addressing that complaint.
- 1.9 Where an appeal mechanism or legislative process takes precedence, then that procedure must be followed and the procedure outlined below in section 2 will not apply. Examples of where alternative measures would take precedence may include (but are not limited to) some of the following:

- Complaints about the statementing process for children with special educational needs;
- Disciplinary issues relating to members of staff;
- Child protection allegations;
- Admissions and exclusions;
- Provision of collective worship and religious education;
- Complaints concerned with the delivery of the National Curriculum (or the school's sex education policy);
- Allegations of bullying by pupils.

In some of these cases the local authority may have a role to play in ensuring that the school has followed the correct procedure, for example where the school plays a specific part in discharging the local authority's responsibilities for admissions.

1.10 Initially most complaints will be oral. There is not a requirement for the complainant to put their complaint in writing at the informal stage. However, the school is mindful that English may not be the complainant's first language and due consideration and appropriate action will be taken where this is known to be the case. Such actions may include for example agreeing to the parent being accompanied by a friend or family member to act as interpreter.

1.11 Schools will keep a record of all complaints made and the actions taken. When receiving anonymous complaints in the majority of cases the only action the head teacher will take is to log the complaint and a record of any actions taking in response to the complaint. However, there may be exceptions to this where the head teacher feels further action should be taken and it is for the head teacher to use his/her discretion in making that decision and in deciding how to proceed in such cases. These may include complaints that raise serious concerns such as child protection allegations or bullying.

1.12 Governors will not attempt to deal with complaints outside of this procedure. Any governor who is approached by a complainant wishing to complain about the school will direct them to the Head Teacher. There will be some instances, for example when the complaint is about the Head Teacher, where it would be appropriate for the complainant to be advised to write to the chair of governing body instead of the Head Teacher.

1.13 The Local Authority (LA) does not have any power to investigate most of the concerns raised by parents or carers wishing to complain nor do they have the power to require school staff or Boards of Governors to take any particular action in the majority of cases raised through complaints. (The main exceptions to this are child protection and health and safety where the LA does still have the powers to investigate and intervene). Therefore in the majority of cases any complainant who approaches the LA (except in such cases as specified above) will be referred back to the Head Teacher or the Chair of the Board of Governors.

- 1.14 It is important that all concerns are taken seriously. Children learn best when there is an effective partnership between the school and the parents. All members of the school community are entitled to have their points of view properly considered and heard, as long as they are communicated in a courteous fashion.
- 1.15 It is very important that all complaints are dealt with as swiftly and as fairly as possible. Failure to address complaints promptly frequently results in greater dissatisfaction. Complaints and concerns relating to issues, which occurred more than three months before will generally be ruled “out of time”.
- 1.16 Head Teachers or governors will not investigate (or in the case of governors be a member of the review panel) when a complaint is about their own actions.
- 1.17 When investigating a complaint the investigating officer will need to establish what happened, discover what the complainant feels would remedy the situation and interview those involved, keeping notes of the interviews. It may be appropriate to have another person present to take notes on occasions.

### **Complaints procedures**

#### **2. Stage one: - Local resolution of the problem (the informal stage)**

- 2.1 In the vast majority of cases a problem can and should be resolved by contacting the class teacher, subject teacher or member of staff directly involved with the problem. The initial communication with the member of staff may be by letter, telephone conversation or in person by appointment. Where this action does not lead to the problem being resolved then the complaint should be dealt with through the formal stages of this procedure.

#### **3. Stage two – The Formal Stage**

- 3.1 If the Complainant is not satisfied with the response from the member of staff at stage 1 they should be advised that the next stage is to put their complaint in writing to the head teacher. Where the head teacher is the subject of the complaint then sections 4 and 5 of this procedure apply.
- 3.2 The head teacher will be responsible for carrying out an investigation or appointing another senior member of staff to carry out the investigation and report their findings to the head teacher who will then reach a conclusion based on the investigation. Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint, the investigating officer may feel it necessary to meet with the complainant. The investigating officer should produce notes of this interview.

- 3.3 At the conclusion of their investigation the investigating officer will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the head teacher.
- 3.4 When writing to the head teacher the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.
- 3.5 The head teacher should write to the complainant within 5 school days of receipt of their letter, setting out who is conducting the investigation and that the head teacher will write again to the complainant within a further 20 school days setting out the actions taken to investigate the complaint and their findings (that is in total 25 school days from the date the complaint letter was received).
- 3.6 Before the head teacher (or senior member of staff investigating) interviews a member/s of staff, they must be informed that they can be accompanied by a colleague or representative of a recognised union or professional association.
- 3.7 Once satisfied that the investigation has been concluded and they have reached a decision on the complaint the head teacher will notify the complainant in writing of their conclusions and any actions that will be taken as a result of the complaint (except where this would involve taking any formal action against individual members of staff which would remain confidential). This should be done no later than 20 school days as set out in paragraph 3.5 above. The head teacher may feel it appropriate to meet with the complainant to communicate their findings.
- 3.8 The outcome of the investigation would usually be one of the following but not limited to:
- The evidence indicates that the complaint was substantiated and therefore upheld;
  - The complaint was substantiated in part or in full (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
  - There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
  - The complaint is not substantiated by the evidence and therefore not upheld.
- 3.9 At this stage the complainant will be told that consideration of the complaint by the head teacher is now concluded. The complainant will also be informed that if they are not satisfied with the manner in which the process has been followed, they may request that the Governors Complaints Review Panel review the process followed by the head teacher in handling the complaint.

- 3.10 The complainant must be advised in writing of exactly who to contact and the timescale by which they should make contact, should they wish to pursue the matter to stage 3 – the Complaints Review Panel. This stage is set out below in paragraph 5.
- 3.11 This request must be made in writing to the clerk to the governing body within 10 school days of receiving the outcome from the head teacher and must include a statement specifying reasons for the request for the review and any perceived failures arising from the investigation process followed.

#### **4. When the complaint is about the actions of the Head Teacher**

- 4.1 Stage one - Local resolution of the problem (the informal stage):** In the vast majority of cases a problem can and should be resolved by speaking to the head teacher directly in an effort to resolve the problem or concern. The initial communication with the head teacher may be by letter, telephone conversation, in person or by appointment. Where this action does not lead to the problem being resolved then the complaint should be dealt with through the formal stage of this procedure.
- 4.2 Stage two – The formal stage:** If the complainant is not satisfied with the response from the Head Teacher at stage 1 they should be advised that the next stage is to put their complaint in writing to the chair of governors.
- 4.3 The chair of governors will be responsible for carrying out an investigation or appointing another governor to carry out the investigation and report their findings to the chair of governors who will then reach a conclusion based on the investigation. Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint the investigating governor may feel it necessary to meet with the complainant. The investigating governor should produce notes of this interview.
- 4.4 At the conclusion of their investigation the investigating governor will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the chair of governors.
- 4.5 When writing the initial letter to the chair of governors the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.
- 4.6 The chair of governors should write to the complainant within 5 school days of receipt of their letter, setting out who is conducting the investigation and that they will write to the complainant within a further 20 school days setting out the actions taken to investigate the complaint and their findings (that is in total 25 school days from the date the complaint letter was received).

4.7 Before the investigating governor interviews a member/s of staff, they must be informed that they may be accompanied by a colleague or representative of a recognised union or professional association.

4.8 Once satisfied that the investigation has been concluded and they have reached a decision on the complaint the chair of governors will notify the complainant in writing of their conclusions and any actions that will be taken as a result of the complaint (except where this would involve taking any formal action against individual members of staff which would remain confidential). This should be done no later than 20 school days. The chair of governors may feel it appropriate to meet with the complainant to communicate their findings.

4.9 The outcome of the investigation would usually be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld;
- The complaint was substantiated in part or in full (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
- There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
- The complaint is not substantiated by the evidence and therefore not upheld.

4.10 At this stage the complainant will be told that consideration of the complaint by the chair of governors is now concluded. The complainant will also be informed that if they are not satisfied with the manner in which the process has been followed, they may request that the Governors Complaints Review Panel review the process followed by the chair of governors in handling the complaint. This stage is outlined in paragraph 6 below. Complainants have the right to request an independent panel for a stage three complaint if they believe there is likely to be bias in the proceedings.

4.11 The complainant must be advised in writing of exactly who to contact and the timescale by which they should make contact, should they wish to pursue the matter to stage 3 – the Complaints Review Panel. This stage is set out below in paragraph 5.

4.12 This request must be made in writing to the clerk to the governing body within 10 school days of receiving the outcome from the chair of governors and must include a statement specifying reasons for the request for the review and any perceived failures arising from the investigation process followed.

## **5 Stage three – The Governors Review Panel (All Complaints)**

5.2 Review Panels are convened to review the school's response to a complaint (stage 2). If the complaint has not been settled at the formal stage and the person making the

complaint is not satisfied with the outcome or the way it was dealt with, they can ask for the process to be reviewed by the review panel – the next stage in the process.

5.3 The Review Panel's purpose, in each case, is to reconsider (not to re-investigate) the original complaint and the school's response to it, including its investigation and to make recommendations with reason to all those involved. The Review Panel's role is not to undertake a re-investigation of the case, nor to extend its reference beyond the above matters.

5.4 The role of the stage 3 Review Panel is to review the actions and supporting evidence of the stage 2 investigation.

The Panel is **not permitted** to do the following:

- To re-investigate the complaint;
- to reach a definite view on a point of law;
- to criticise the complainant for any "contributory negligence" that may have contributed to the difficulties;
- to be an alternative to a disciplinary hearing, as far as staff are concerned;
- to hear any new complaints (except if it relates to the length of time taken to deal with the substantive complaint).

5.5 Any review of the process shall be by a panel of at least three members of the governing body appointed to be the Review Panel.

5.6 The review will normally be conducted through a consideration of written evidence but any requests received to make an oral representation should be considered sympathetically.

5.7 The panel will consider the letter from the complainant and if needed request that the complainant submit in writing (within a reasonable timescale) any further information needed by them relating to their reasons for requesting a review and any perceived failures arising from the investigation process followed. The head teacher or investigating governor will be invited to make a written response to the complainant's submissions.

5.8 The panel should have access to all records, notes or information considered during the investigation (unless prevented from doing so for reasons such as data protection).

5.9 The outcome of the investigation may be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld;
- The complaint was substantiated in part or in full (some details would be given of the actions the school will take in response to the complaint except



where they may be of a disciplinary or other such nature relating to an individual member of staff);

- There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
- The complaint is not substantiated by the evidence and therefore not upheld.

5.11 The panel should communicate its findings to the complainant, head teacher and chair of governors within 25 school days of receipt by the clerk of the complainant's letter requesting a review.

5.12 If the complainant is still not happy at this stage they should be informed that they can appeal to the Secretary of State for Education & Skills (or any other relevant body appointed to hear parental complaints against schools as set out in Regulations or Acts of Parliament) on the following grounds:

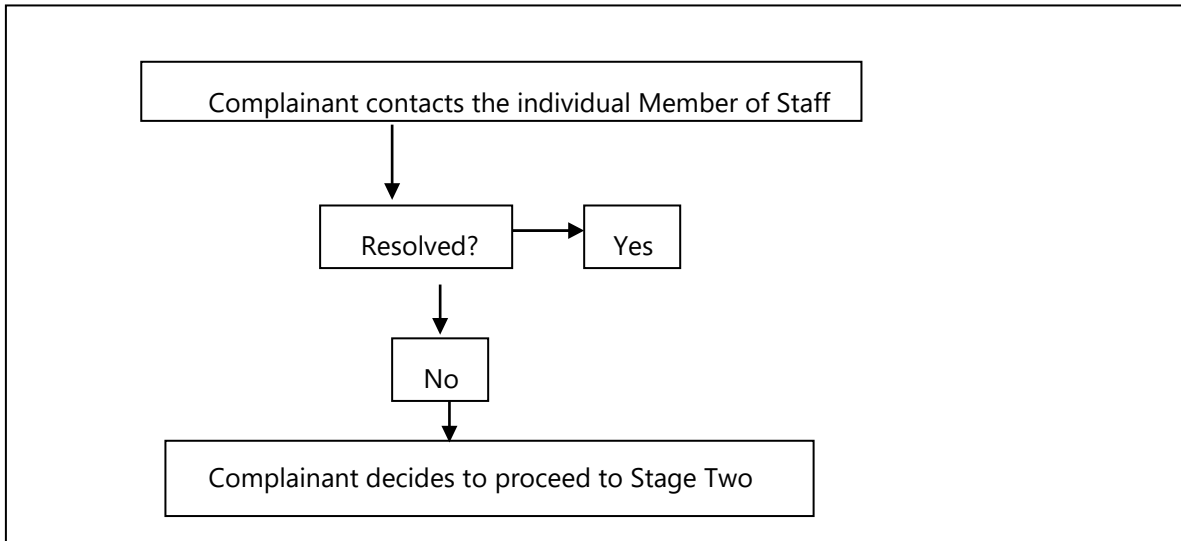
- The Board of Governors is acting or proposing to act unreasonably;
- The Board of Governors has failed to discharge its legal duties as set out in Regulations or Acts of Parliament.

### **Serial complaints**

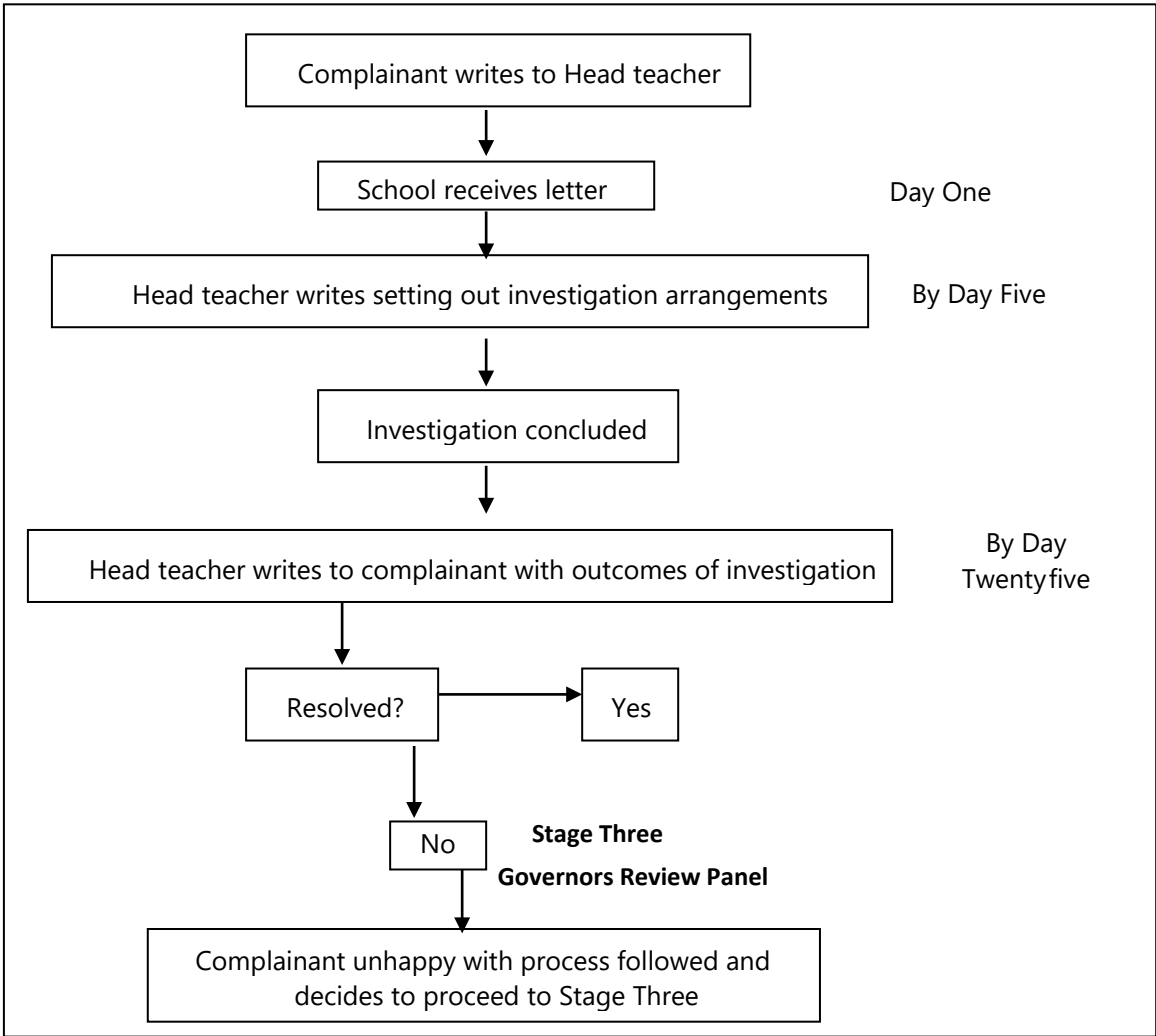
In the case of serial complaints, the school will register but not address any additional complaints until the procedure connected to the original complaint has been concluded. New cases will be addressed only after there has been a conclusion of any existing procedure. This does not prevent a parent logging an allegation.

## Complaints Procedures - Flowchart

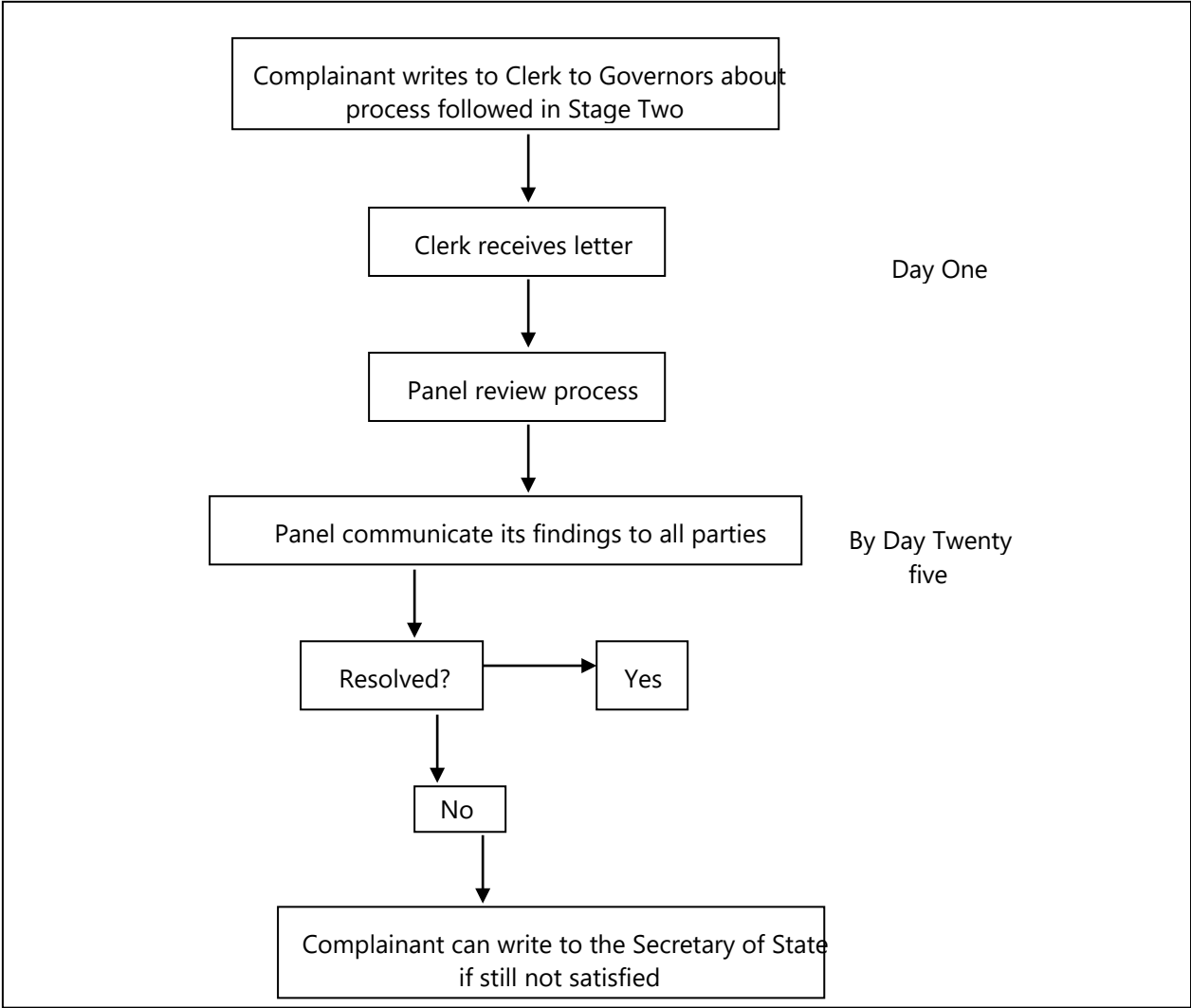
### Stage One Informal Stage



### Stage Two Formal Stage



**Stage Three**  
**Governors Review Panel (stage three)**



Note: - If the complaint is about the actions of the Head Teacher then the Chair of Governors carries out the Head Teacher's role indicated above (section 5).

This procedure covers all complaints about any provision of community facilities or services Mayespark Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of special educational needs</li> <li>• The school's reorganisation proposals.</li> </ul>	<p>You should raise concerns about admissions, statutory assessments of special educational needs or the school's reorganisation proposals with Redbridge.</p>
<ul style="list-style-type: none"> <li>• Matters that are likely to require a child protection investigation.</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). &lt;insert LADO/MASH details&gt;.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*.</li> </ul>	<p>You can find further information about raising concerns about exclusion at <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p>*You can lodge a complaint about the application of the behaviour policy through the school's complaints procedure.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing.</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The secretary of state for education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters directly with their employer. Referrals can be made at <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure.</p> <p>You may also be able to complain directly to the local authority or the Department for Education (DfE) (see link above), depending on the substance of your complaint.</p>

<ul style="list-style-type: none"> <li>• Staff members' grievances.</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> <li>• Staff members' conduct.</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by others who use the school's premises or facilities.</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
<ul style="list-style-type: none"> <li>• National curriculum – content.</li> </ul>	Please contact the DfE at <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .

If other bodies are investigating aspects of the complaint, for example, the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales in this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

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

### **Policy for Unreasonable Complainants**

Mayespark Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.

This school defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint: -

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;

- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be considered and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact this school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school.

### **Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the head teacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, considering any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the head teacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.