



Manor Park CofE VC First School **Complaints Policy**

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1. Introduction

This document sets out the policy and procedure for the management of complaints in Manor Park CE First School school. It reflects the latest guidance provided by the Department for Education and updated January 2021.

2. Background

Schools are required to adhere to the following legislation with regards to the management of their complaints: -

Education Act 2002

Section 29(1) states that Governing Bodies of all maintained schools and maintained nursery schools in England must have and publish procedures to deal with complaints relating to their school (including any community facilities or services the school provides where there are no separate procedures).

Section 29(1b) requires schools to publish their complaints procedures.

Section 29(2) states that governing bodies of maintained schools must have regard to any guidance provided by the Secretary of State at any time when establishing and publishing complaints procedures.

Education Act 1996

Sections 496 and 497 gives the Secretary of State direction making powers and although they are not under a duty to intervene in every case that is brought to their attention, they must always consider whether they should exercise their powers in light of any information provided to them in a complainant.

School Information (England) Regulations 2008

There is a duty for schools to publish their complaints procedures on-line.

3. Complaints v concerns

A complaint may be defined as 'an expression or statement of dissatisfaction however made, about actions taken or a lack of action'.

A concern (or informal complaints) may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

Manor Park CE First School takes all concerns (informal complaints) seriously and will make efforts to resolve matters as quickly as possible. Many issues can be resolved informally, without the need to use the formal complaints procedure. If you would prefer not to raise your concern with a member of staff, in these cases we will refer you to another member of staff. It may be that a member of staff does not feel able to deal with a concern, we will refer you to another person. The school aims to deal with all issues objectively and impartially.

Formal complaints – when any initial attempts taken to resolve an informal issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further or if they wish to make a formal complaint at the outset. The school will attempt to resolve the matter through the stages outlined in the school's complaints policy (see section 9).

4. Who can make a complaint?

Any person may make a complaint to the school if the school is directly responsible for the issue being complained about. It is not limited to parents with children registered at the school includes complaints concerning any child(ren) no longer on the school register (please see section 6 on timescales).

The school will not usually investigate anonymous complaints and in these circumstances, the Headteacher or Chair of Governors will determine if the matter warrants an investigation, if appropriate.

5. How to complain

A concern or complaint can be made

- In person
- In writing or
- By telephone
- By anyone acting on behalf of a complainant (with appropriate consent to do so).

Concerns should be raised with either the class teacher or the Headteacher. If the matter is not resolved, the next step is to make a formal complaint. Complaints should be made to the appropriate person depending on what the complaint is about. Complainants should not approach individual governors as it may prejudice their ability to consider complaints at Stage 2 of the school procedure and they have no power to act on an individual basis.

Complaints about or involve	Addressee
School staff (except Headteacher)	Headteacher
Headteacher	Clerk to the Governing Body
Chair of Governors, individual governor or whole governing body	Clerk to the Governing Body

A complaints form is included for completion (Appendix 3). All complaints should be marked private and confidential and submitted through the main office. The school will consider making reasonable adjustments to enable complainants to access and complete the complaints procedure. If you should need any help in making your complaint, please let the school office know. You can also obtain assistance through other organisations such as local advocacies and the Citizen's Advice Bureau.

You are able to withdraw your complaint at any time and the school will ask you to confirm this in writing.

6. Timescales

In order for the school to deal with your complaint effectively, it would be helpful to receive complaints as soon as possible after the incident concerned. You must raise your complaint within 3 months of the incident or if a series of associated incidents, within 3 months of the last one taking place. However, in exceptional circumstances the school will consider complaints made outside of this timescale.

Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period.

7. Scope of this complaints procedure

This procedure covers all complaints about any provision of community services by the School. It does not cover complaints that are dealt with under separate (statutory) procedures.

This policy does **not** cover the following issues: -

Admissions to schools	Concerns about admissions, statutory assessments of Special Educational Needs or school reorganisation proposals should be raised with <Dorset Council> or <insert relevant local authority>
Statutory assessments of special education needs	
School re-organisation proposals subject to statutory procedures	
Exclusion of children/young people from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. <link to school behaviour policy>.</i>
Matters likely to require a Child Protection Investigation	All complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) or the Multi Agency Safeguarding Hub (MASH) <insert Dorset contact details here> or <insert relevant local authority>
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. 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 direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), 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 will be dealt with under the school's internal disciplinary procedures, if appropriate. 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.
Complaints about services provided by other providers, who may use school premises or facilities	Providers should have their own complaints procedure. Please contact them directly.
Collective worship	Complainants who are dissatisfied with the content of the daily act of collective worship (DACW) should contact the local

	authority, the local Standing Advisory Council on Religious Education or any other appropriate relevant body.
Withdrawal from the Curriculum	Parents and carers can withdraw their child from any aspect of Religious Education (RE), including (DACW) without any explanation and the handling of any request to withdraw is considered as a complaint under this procedure. However, the right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.

Complaints that have already been investigated cannot be considered again.

Legal, safeguarding or disciplinary proceedings may take precedence over complaints procedures and timescales.

If there is a risk that dealing with a complaint might prejudice a concurrent consideration, the complaints procedure will be suspended until the concurrent consideration is concluded. <name> School will write to the complainant explaining the reason for the decision and the nature of the concurrent consideration. Once the concurrent consideration is concluded, the complaint can be investigated as appropriate.

Should the school receive a number of complaints all based on the same subject or from complainants unconnected with the school, the Headteacher will consider how to respond to these complaints. In these instances, the school may decide to send a template response to all complainants or to publish a single response on the website. These complaints will be acknowledged in the usual way and complainants updated on how the school intends to respond.

8. Resolution

At each stage of the complaints procedure, the school wants to resolve any complaint if at all possible. 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 apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again along with an indication of timescales within any changes will be made;
- an undertaking to review school policies in light of the complaint.

9. Formal Complaints Procedure

Stage 1

All formal complaints to be made to the Headteacher (unless concerning the Headteacher). This may be done in person, in writing (preferably using the complaint form – Appendix 3) or

by telephone – see section 5 above for more details. If the complaint is about the Headteacher or a member of the governing body (including chair or vice chair) a suitably skilled governor will be appointed to complete all actions at stage 1. If the complaint is jointly about the chair or vice Chair of Governors, the majority of or the entire governing body then stage 1 will be considered by an independent investigator appointed by the governing body or the Diocese as appropriate. At the end of their investigation, the investigator will provide the formal written response to the complainant.

The school will record the date the complaint is received and will acknowledge receipt of the complaint in writing (letter or email) within 3 school days. The Headteacher or Chair of Governors may decide to delegate the investigation but not the decision to be taken.

Within this acknowledgement, Headteacher (or the person investigating the complaints - Headteacher, governor or other delegated person) may seek to clarify the nature of the complaint, what is unresolved and the outcomes the complainant is seeking to resolve the matter. Consideration will be given by the school as to whether a face to face meeting would be the appropriate way forward.

During any investigation, the investigator will (if necessary)

- Interview all those who were involved in the complaint – they may be accompanied if they wish
- Keep a written record of any meetings/interviews relating to their investigation

The Headteacher will investigate the complaint and respond to the complainant within 10 school days of the date of receipt of the complaint. If this date cannot be met, the complainant will be given an update and revised response date and updates every 10 school days as necessary.

The complaint response will include: -

- details of any actions taken to investigate the complaint
- a full explanation of any decisions made including reasons
- details of actions taken (or to be taken with timescales) to resolve the complaint
- details as to how to escalate the complaint should they remain dissatisfied with the outcome

Stage 2

If the Complainant is dissatisfied with the outcome of the investigation at Stage 1 and wishes to take the matter further – they can escalate their complaint to Stage 2. Stage 2 involves a meeting of 3 members of the governing body's complaints committee. This is usually made up of the first three impartial governors available and forms the final stage of the school's complaints procedure.

All requests to escalate complaints to Stage 2 must be made to the Clerk to the Governors via the school office within 10 school days of receipt of the Stage 1 response. Requests received outside this timescale will be considered under exceptional circumstances.

The Clerk will record the date the request was received and acknowledge receipt in writing (either by letter or email) within 3 school days. The Clerk will write to the complainant to inform them of the dates of the meeting. The school will aim to convene a meeting within 20

school days of the Stage 2 request. If this is not timescale is not achievable, it will be convened as soon as practicably possible and the complainant will be kept updated.

If the complainant rejects the offer of 3 proposed dates, the Clerk will decide whether to hold the meeting. If yes, it will then proceed in the complainant's absence with written submissions from both parties.

The complaints committee will comprise of at least 3 governors with no prior knowledge or involvement in the complaint under consideration. Before the meeting, the governors will decide who will act as chair of the complaints committee. In the event that there are less than 3 available school governors, the Clerk will source independent governors through either another school or the local authority governor services team. Alternatively, an entirely independent committee may be appointed by the clerk to hear the complaint at Stage 2. If the complaint is about the Chair of the Vice Chair, the majority or entire governing body then Stage 2 will be heard by a committee of independent, co-opted governors. The complainant will be advised accordingly.

If the complainant attends the meeting, they are permitted to be accompanied by a supporter (either a relative or a friend). Legal representatives for either party are not usually encouraged to attend the committee meeting, but it is accepted that there may be occasions where it is appropriate to do so. An example of this may be a school employee who is called as a witness and may wish to be supported by a union and/or legal representative. NB Matters of staff conduct are not usually considered by the complaints procedure, they are usually considered under staff disciplinary procedures and outcomes will not be shared with complainants.

Representatives from the media are not permitted to attend.

At least 10 days before the meeting the clerk will:

- Notify the complainant of the date, time and venue of the committee meeting. If the complainant is invited, these dates to be convenient to all parties and then venue and proceedings are accessible.
- Request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 2 school days before the date of the meeting.

The committee meeting will

- be held in private
- not review any new complaints at Stage 2 or consider evidence unrelated to the original complaint to be included. Any new complaint must be considered at Stage 1 of the procedure
- not normally accept, as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded
- not normally permit electronic recordings of meetings or conversations unless the complainant's own disability or special needs requires it. In that case, prior knowledge and consent of all parties attending must be sought by the clerk before meetings or conversations take place. Consent will be recorded in any minutes taken.
- The Chair of the Complaint Panel will decide, at their absolute discretion, which witnesses (including members of staff) will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement which will be signed by the witness.

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

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

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

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

Within 5 working days, the Chair of the committee will provide the complainant and the <name> School with a full explanation of their decision(s) and the reason(s) in writing. Where appropriate, it will include details of the actions <name> School will take to resolve the complaint and timescales to achieve them.

The response will also include details of how the complainant may escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

10. Next steps

If, after Stage 2 has been completed the complainant:

- Remains unhappy with the outcome
- Believes that the school did not handle their complaint in accordance with their published procedure
- Believes that the school has acted unlawfully or unreasonably in the exercise of their statutory duties

they can contact the Department of Education.

www.education.gov.uk/contactus

Tel: 0370 000 2288

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

11. Records

Written records will be kept of all complaints to show

- The progress of the complaint and the final outcome
- Who is responsible for this data and ensures it is kept securely

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or body conducting an inspection under section 109 of the 2008 Act requests access to them.

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 details of the complaint
- 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 interviewing of the complainant to establish what has happened and who has been involved
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- 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 then 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 / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
 - liaise with staff members, Headteacher, Chair of Governors, clerk and Local Authority (if appropriate) to ensure the smooth running of the complaints procedure
 - be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep 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 complaint procedure are aware of their legal rights and duties, including any 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 the General Data Protection Regulations (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 (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting by the committee members, 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.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- 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
- the issues are addressed
- 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 meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- 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
- We recognise that 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.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- the committee should respect the views of the child/young person and give them equal consideration to those of adults.
- if the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.

Unreasonable complainant policy

The Headteacher and staff at Manor Park CE First School deal with specific complaints as part of their day-to-day management of the school in accordance with its complaints procedure. They are committed to dealing with all complaints fairly and impartially and to provide a high-quality service to all those who complain. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

We will not normally limit the contact complainants have with the school. We do not expect our staff to tolerate unacceptable behaviour. The school will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

In these circumstances the school may take action in accordance with this policy.

Manor Park CE First School defines unreasonable behaviour as that which hinders our consideration of their or other people's complaints due to the frequency or nature of the contact with the school.

A complaint can 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 the 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 taken into account and commented on
- Raises large numbers of detailed but unimportant questions and insisting 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 process has been fully and properly implemented and exhausted 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 whilst the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums.
- Acts in a persistent way by: -
 - Sending numerous letters
 - Making multiple phone calls
 - Sending multiple e-mails
 - Leaving multiple voicemails
 - Sending multiple text messages

Complainants should try to limit their communication with the school about their complaint, whilst their complaint is being progressed. If repeated correspondence or contact is made by letter, phone, email, text or in person it could delay the progression of the investigation and an outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss the concerns with the complainant informally before invoking the procedure. This will be confirmed in writing.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and being considered under this policy. The Headteacher will also specify methods of communication and times in a communication plan. This action may or may not include barring from the school premises. Any communication plan will be reviewed by the school after six months and lifted as appropriate.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing.

Complaint Form

Your name:
Pupil name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Daytime telephone number: Evening telephone number: Email:
Please give details of your complaint, what you think the school did wrong or did not do. Include dates, names of witnesses etc.
What action, if any, have you already taken to try to resolve your complaint? (who have you spoken with or written to and what was the outcome?).

What do you think the school needs to do to resolve matters at this stage?

Please list any paperwork you are attaching:

Do you need the paperwork to be returned to you: Yes/No

Signature:

Date:

Official Use

Date form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date referred:

Date response sent: