



<b>Policy Name</b>	Complaints Procedure
<b>Review and Approval by</b>	Local Governing Body
<b>Date Ratified</b>	May 2018
<b>Signed By</b>	
<b>Position</b>	Chair of Board of Governors
<b>Review Period for this Policy</b>	3 Yearly
<b>Date for Future Review</b>	May 2021

**Implementation of this policy supports the duties to promote equality of opportunity and positive attitudes in relation to disability, gender and race and to eliminate discrimination on the grounds of age, disability, gender, race, religion or belief and sexual orientation.**

Date	Changes
09/12/15	Stage 2 – complaint received within last 2 weeks of term. Readjustment sizing of flowchart.
30/01/16	Amend Governing Body to Local Board of Governors
08/05/18	Removed all references to the Local Authority and being a maintained school, and replaced with ISP.
14/05/18	Major review to policy, particularly stages 3 and 4, added in legislation & guidance, scope of the policy, additional detail regarding complaints pertaining to the Headteacher, referring unresolved complaints onto the ESFA, and added in the investigation procedure, all to bring the policy in line with the ISP multi-academy trust.

## Introduction and Aims

Schools value the good relations they enjoy with parents and the community. These good relations are based on mutual respect and a willingness to listen to other points of view. It is in the best interests of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.

The characteristics of an effective complaints procedure are:

- Encourage resolution of problems by informal means wherever possible
- Fairness to all parties
- Non-adversarial
- Simple to understand and operate
- Known and understood by all users
- Accessible to all users
- All users have faith in the procedure
- Allow swift handling with established time limits for action
- Keeping people informed of progress
- Respect people's desire for confidentiality
- Address all issues and provide an effective response and appropriate redress
- Provide information to the school's senior leadership team so that services can be improved.

Many schools already have a procedure in place for dealing with complaints relating to the school, often based on the procedure already in place for statutory complaints, e.g. those relating to curriculum matters, exclusions, SEN statements or accusations of child abuse.

If complainants feel their concern has been taken seriously and dealt with sensitively, much ill-will and time-consuming argument can often be avoided. It is also important to keep the complainant informed and updated of progress.

The Local Governing Body periodically reviews, with the Headteacher, how the complaints procedure is working and the methods used to publicise it. In such reviews, certain points need to be borne in mind:

- Wherever possible, complaints will be resolved informally by the Headteacher and other staff without having to be referred to the Local Governing Body.
- Staff will be reminded that complaints often amount to no more than a request for information or clarification. Taking such informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- Like other institutions, Montpelier will avoid being defensive in responding to complaints. A good school displays the confidence and maturity to review its actions, practices and policies objectively and fairly in response to complaints, however difficult the situation to which these relate. The Local Governing Body will be alert to any signs that staff may be trying to stifle complaints or make complainants feel that pursuing a legitimate complaint is likely to be fruitless, or are trying to take advantage of the reluctance of some individuals to complain because they fear the consequences for their child or themselves.
- At each stage in the procedure Montpelier will keep in mind ways in which a complaint can be resolved and will encourage complainants to state what actions they feel might resolve the problem. Should the complaint be upheld it may be appropriate to 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;
  - an undertaking to review school policies in light of the complaint.
- The record of complaints will be reviewed to assess the overall level, nature and outcome of complaints and identify any necessary steps that need to be taken to improve policies and procedures. A member of staff is nominated to act as complaints co-ordinator (the Headteacher).
  - Montpelier accepts that sometimes there is no ready remedy against an individual who makes or pursues complaints that are, or become, vexatious and deflect the time and energies of staff and Governors from more constructive activities. In such cases, if the complainant tries to reopen the same issue, the Chair of the Local Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed.

## Legislation and Guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

## COMPLAINTS PROCEDURE

### The Scope of this Policy

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.*

All matters relating to the actions of staff and application of school procedures where they affect the individual pupils concerned, except matters relating to the curriculum, exclusion, admissions, whistleblowing, and more which are subject to separate procedures.

### General Principles:

- This procedure is intended to allow you to raise a concern of complaint relating to the school, or the services it provides.
- An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

- To allow for a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. Any matter raised more than 3 months after the event being complained of will not be considered, except in exceptional circumstances.
- Investigation of any concern, complaint or review request will begin within 5 school days of receipt of the complaint, except in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.

All complaints received will be investigated and resolved within twenty school days where practicable.

### **Stages of Complaint**

- Stage 1 – Informal discussion with appropriate member of staff and/or Headteacher
- Stage 2 – Formal complaint to Headteacher
- Stage 3 – Formal appeal to the Local Governing Body Complaints Appeal Panel
- Stage 4 – Formal complaint to the ESFA

#### **Stage 1 – Informal discussion with appropriate member of staff and/or Headteacher**

Where a concern is brought to our attention it can often be resolved with a single conversation. Sometimes the issue is more complex and will take more than one discussion to resolve. Complainants are encouraged to telephone to make an appointment with the appropriate member of staff or the Headteacher in order to discuss their concerns. Telephone calls will be returned within 24 hours whenever possible. Montpelier will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. Where the complaint concerns the Headteacher and cannot be resolved by arranging a meeting with him/her, the complainant will be referred to the Chair of Governors (see 'Complaining about the actions of the Headteacher', below). Occasionally, despite the best efforts of those concerned, these discussions do not resolve the issue, which then may become a formal complaint.

#### **Stage 2 – Formal complaint to Headteacher**

The complainant will be asked to confirm to the Headteacher that they wish to make a formal complaint, and it will be acknowledged in writing on the day of receipt, confirming that the investigation will be completed within 12 school days. If, however, the complaint is received within the last 2 weeks of the Summer term, the Headteacher will attempt to contact the complainant by telephone to discuss the timescale for investigation and reporting. The letter acknowledging the complaint should confirm the details of this conversation or, if the Headteacher has been unable to make telephone contact, that the situation will be investigated at the beginning of the Autumn term and suggest a date for a meeting to discuss the findings. If it becomes apparent that further investigations are necessary, new time limits will be set and the complainant informed of these together with the reasons for the delay.

The Headteacher will copy relevant papers to any member of staff named in the complaint and make a full investigation. On completion of the investigation, the Headteacher will arrange a meeting with the complainant to discuss the results. The complainant will be encouraged to bring a friend or interpreter to the meeting. Immediately following the meeting, a letter will be sent to the complainant outlining the results of the investigation and meeting and, if appropriate, detailing the proposed course of action. The complainant's right to refer the decision to the Local Governing Body Complaints Appeal Panel will also be included in the letter.

### **3. Stage 3 – Review Panel**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The appointed panel must consist of at least three people who were not directly involved in the matters detailed in the complaint. At least one panel member must be independent of the management and running of the school. The panel cannot be made up solely of local governing body members, as they are not independent of the management and running of the school.

The panel will have access to the existing record of the complaint's progress. The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves 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 an 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 if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence. The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented 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 a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and the Headteacher.

The school will inform those involved of the decision in writing within 5 days.

### **Stage 4 – Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure;
- Whether the school was in breach of its funding agreement with the secretary of state;
- Whether the school has failed to comply with any other legal obligation.

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly. For more information or to refer a complaint, see the following webpage: <https://www.gov.uk/complain-about-school>.

## **Notes**

You are not entitled to access to any details of the investigation except for any statements that may have been provided by your child. Any information relating to the application of disciplinary procedures is strictly confidential.

If a complainant believes that the Local Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Chief Executive Office of the Inspiring Schools Partnership (ISP) Multi Academy Trust at: Stoke Damerel Community College, Somerset Place, Stoke, Plymouth, PL3 4BD – Tel. (01752) 556065.

## **Complaining about the actions of the Headteacher**

### **1. Informal stage**

You will usually be expected to arrange to speak directly with the Headteacher. In the case of serious concerns it may be appropriate to raise them directly with the Chair of the Local Governing Body. Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, if both parties agree, then a third party may be invited to act as a mediator at a further meeting. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being ended immediately.

### **2. Formal Stage**

If the complaint is not resolved at the informal stage you must put the complaint in writing and pass it to the Chair of the Local Governing Body who will determine which of the agreed procedures to invoke. If it is determined that the complaint is 'General', the Chair will arrange for its investigation. You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc. In addition you will be invited to meet with the Chair to present oral evidence or to clarify the complaint.

The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Headteacher will be provided with a copy of the complaint and any additional evidence presented by you or collected by the Chair. Once there has been an opportunity for the Headteacher to consider this, he/she will be invited to meet separately with the Chair, in order to present written and oral evidence in response. The Headteacher may be accompanied at this meeting by a friend or representative.

When the investigation has been concluded, both you and the Headteacher will be informed in writing of the outcome. Please note that you will not be informed of any disciplinary/capability action. You will be notified that consideration of their complaint by the Chair is now concluded.

If you are not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then you may request that the Local Governing Body review the handling of the complaint by the Chair. Any such request must be made in writing within 10 school days of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

If the complaint remains unresolved, the complainant should move to stage 3 of the Complaints Procedure (above).

## **Investigation Procedure - Carrying out an Investigation into a Formal Complaint**

The investigation of an allegation or a complaint will always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.

Any procedure should include provision that 'An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.' These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Where the Headteacher or Chair of Governors receives a complaint, it should be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

The member of staff against whom the complaint has been made, should be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.

It is essential that there is a clear understanding of the complaint. Where necessary, the nature of the complaint should be confirmed with the complainant. There should be a statement from the complainant outlining what actions they would like the school to take to resolve the concern. Once the complaint has been confirmed the investigator should establish who they wish to interview and what documentation they will need to review.

Arrangements should be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant and the member of staff should be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint should be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed. Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Permission will be sought from parents/carers before interviewing Pupils. Parents/carers will be invited to be present at the interview. Only in extreme circumstances will younger pupils be interviewed.

Any interviews will be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become compromised through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator should prepare the questions to be asked prior to the interview. These can always be supplemented during the interviews. The investigator should allow the interviewee to answer in their own way. Their responses should be listened to attentively. Any temptation to cut an interviewee short or to seek to 'lead' them must be avoided. The interviewee should be given the opportunity of providing other relevant information at the end of the interview.

Interviewees should, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint should be resisted.

The investigator should avoid reaching conclusions judgement until all the facts are known and the investigation has been completed.

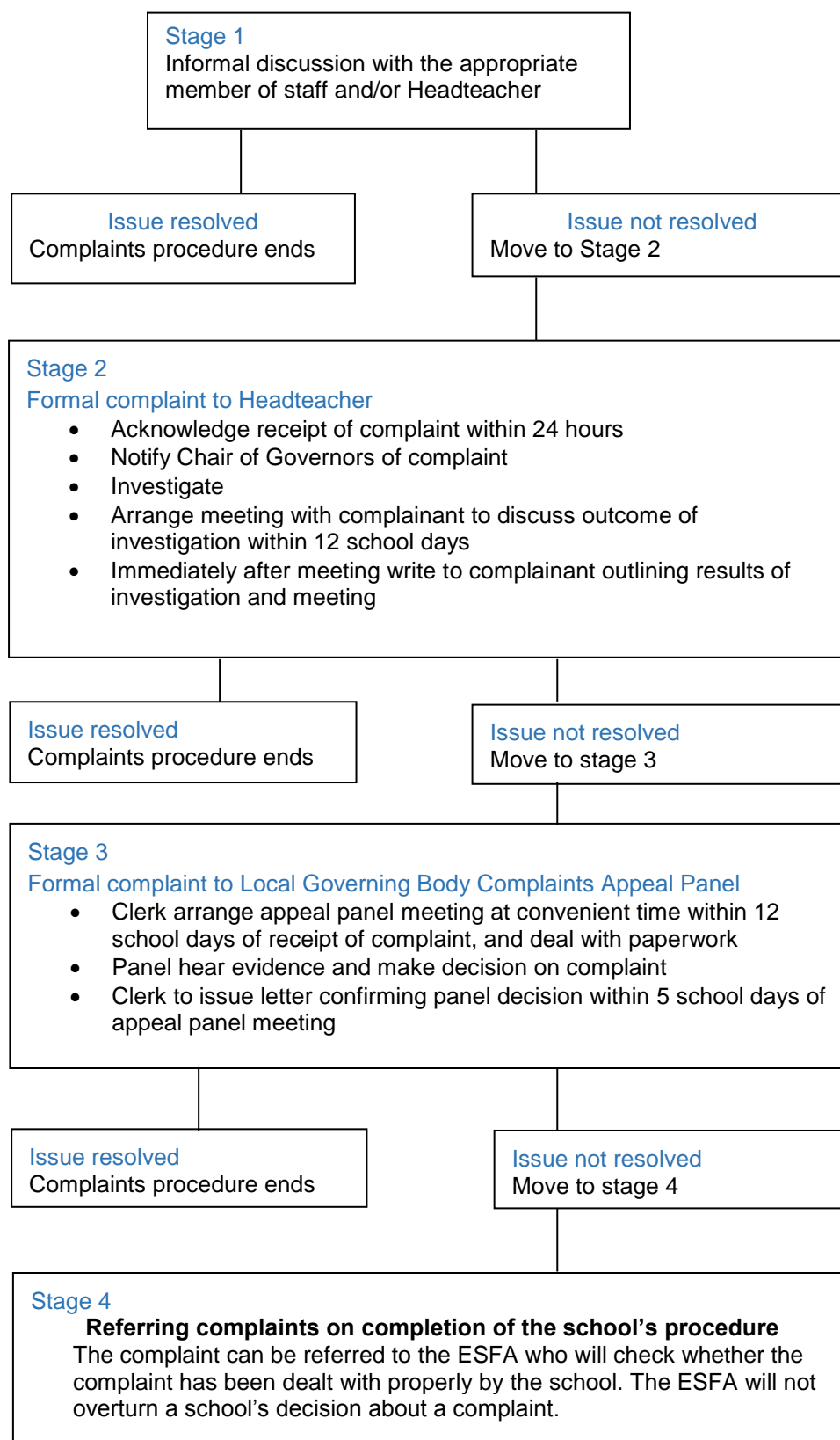
If the complaint is being investigated under the formal process, the investigating officer will prepare a report for the Headteacher/Chair.

A summary of the process undertaken and the outcome of the investigation should be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.

Any recommendations should also be shared with all parties, unless there is good reason not to. Wherever possible, recommendations should be constructive and not punitive.

The complainant should be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Local Governing Body.





## Guidance notes for parents

*This leaflet can be provided in alternative formats – please ask the school administrator for details  
If you have a concern or complaint.....*

.....we would like you to tell us about it. We welcome suggestions for improving our work in the school. Be assured that no matter what you want to tell us, our support for you and your child in the school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem that happened some time ago.

### *What to do first*

Most concerns and complaints can be sorted out quickly by speaking with your child's class teacher, or another member of staff.

If you have a complaint that you feel should be looked at by the Headteacher you can contact him/her first. It is usually best to discuss the problem face to face. You may need to make an appointment to do this, and can make one by phoning or calling at the school office.

You can take a friend or relation to the appointment with you if you want to.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the issue. It may also help to prevent a similar problem arising again.

### *What to do next*

If you are dissatisfied with the member of staff's response you can make a complaint to the Headteacher. You should advise the Headteacher that you wish to make a formal complaint. This can be done verbally or by completing the attached complaint form. Please contact the school office if you need assistance with this.

If your complaint is about an action of the Headteacher personally, then you should refer it to the Chair of Governors (**see 'If you are still unhappy' section below**).

You may also find it helpful at this stage to have a copy of the full statement of the School Complaints Procedure as this explains in detail what procedures are followed. This is available from the school office.

The Headteacher will ask to meet you for a discussion of the problem. Again, you may take a friend or relation with you if you wish. The Headteacher will conduct a full investigation of the complaint and may interview any members of staff or pupils involved. You will receive a written response to your complaint.

### *If you are still unhappy*

The problem will normally be solved by this stage. However, if you are still not satisfied you may wish to contact the Chair of the Local Governing Body to ask for referral of your complaint to the Local Governing Body Complaints Appeal Panel. You can contact the Chair at the school address.

Your complaint will then be heard by a group of at least three governors who have no previous knowledge of the problem and so will be able to give it a fresh assessment. You will be invited to attend and speak to the panel at a meeting that the Headteacher will also attend. The School Complaints Procedure explains how these meetings operate.

#### *Further action*

Complaints about school problems are almost always settled within schools but, if you are dissatisfied with the school's internal procedure you can contact the Education and Skills Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint.

Our leaflet ***Guidance notes for parents*** explains our complaints procedure. This form is designed to help you ask the Headteacher to arrange an investigation of your complaint or to ask the Chair of Governors to arrange further investigation if you are dissatisfied with the Headteacher's response to your complaint.

**Data Protection Act** – Personal information provided by complainants will be treated as confidential. It will be kept secure and not provided to anyone unless they are allowed to see it by law. Analysis will be restricted to types of complaints and individual complainants will not be identified. The analysis will be reported to the Local Governing Body on an annual basis. The reporting will include identifying particular trends of complaints, which may require some change in the school's procedures.

Please complete this form and return it to the Headteacher who will acknowledge receipt and explain what action will be taken.

If you need assistance with completing this form please contact the school administrator.

## MONTPELIER PRIMARY SCHOOL COMPLAINT FORM

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Your address:**

**Your postcode:**

**Your telephone number (daytime):**

**Your telephone number (evening):**

**Please give details of your complaint:**

**What action, if any, have you already taken to try to resolve your complaint (whom 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:**

**Your signature:**

**Date:**

**OFFICIAL USE**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**