School Complaint Policy

Malvern Wells CE Primary School

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Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to Malvern Wells CofE Primary School about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

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 defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that 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 policy. Malvern Wells CofE Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

How to raise a concern or make a complaint

An initial concern or complaint (informal stage) can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with the class teacher or alternatively with the headteacher if more appropriate. If the issue remains unresolved, the next step is to make a formal complaint, where we will require a complaint form to be completed.

Complainants **must not** approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and it may also prevent the governor/ governors from considering complaints at Stage 2 of the policy.

Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office**.** Please mark them as 'Private and Confidential'.

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors, c/o the Clerk to Governors via the school office. Please mark them as 'Private and Confidential'.

Complaints about the Chair of Governors, any individual governor or the whole governing board should be addressed to the Clerk to the Governing Board c/o the school office. Please mark them as 'Private and Confidential'.

A complaint form is included at the end of this policy and should be completed when submitting your complaint to help identify the specific points you want investigated. If you require help in completing the form, please contact the Clerk to Governors c/o the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or 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.

Time scales

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

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 all complaints about any provision of community facilities or services by Malvern Wells CofE Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Worcestershire County Council
• 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. 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) - 01905 846221 lado@worcestershire.gov.uk.
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through the school's complaints procedure.*
• 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 whistleblowers 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 to deal with complaints about service. Please contact them direct.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

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 within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Malvern Wells CofE 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.

Resolving complaints

At each stage in the procedure, Malvern Wells CofE Primary School wants 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
- 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
- an apology.

Withdrawal of a Complaint

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

Complaint Stage Process

Informal Stage

In the first instance any concerns should be raised with the class teacher or alternatively with the headteacher if more appropriate. If the issue remains unresolved, the next step is to make a formal complaint.

Formal Stage 1

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office, in writing using the complaint form.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 10 school days.

The headteacher can consider whether a meeting is necessary to assist with resolving the complaint as part of the investigation. This meeting could be held face to face, by telephone or virtually.

During the investigation, the headteacher may:

- decide to, if necessary, to interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response (decision letter) within 20 school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The decision letter 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 Malvern Wells CofE Primary School will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

NB:

- If the complaint is about the headteacher, the above formal stage 1 process will be carried out by the Chair of Governors.
- If the complaint is about a member of the governing board the above formal stage 1 process will be carried out by the Chair of Governors.
- If the complaint is about the Chair of Governors, the Vice Chair or a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the headteacher or member of the governing board must be made to the Clerk to Governors, via the school office.

- If the complaint is:
    a. jointly about the Chair and Vice Chair or
    b. the entire governing board or
    c. the majority of the governing board

Stage 1 will be considered by an independent investigator appointed by the governing board. At the conclusion of their investigation, the independent investigator will provide a formal written response to all parties involved. 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 the recommended actions Malvern Wells CofE Primary School should take to resolve the complaint.

The independent investigator will advise the complainant how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

Formal Stage 2 (Governor Panel)

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2.

A request to escalate to Stage 2 must be made to the Clerk to Governors, via the school office, within 4 weeks of receipt of the Stage 1 response.

The Clerk to Governors will organise a panel of governors to hear the complaint. The panel will be made up of the first three, impartial, governors available. The governors sitting on the panel must have no prior knowledge of the complaint or declarations of interest.

The Clerk to Governors will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk to Governors will write to the complainant to inform them of the date of the meeting and the names of the governors sitting on the panel, allowing the complainant to raise any concerns with the panel membership before the panel hearing begins.

The Clerk to Governors will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk to Governors 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 to Governors will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

Prior to the meeting, the panel members will decide amongst themselves who will act as the Chair of the panel. If there are fewer than three governors from Malvern Wells CofE Primary School available, the Clerk to Governors will source any additional, independent governors through other local schools. Alternatively, an entirely independent panel may be convened to hear the complaint at Stage 2, should there be no impartial governors available.

The panel will decide whether to investigate the complaint by inviting each party to separate meetings (again this can be held face to face or virtually), or through written representations only. In making this decision the panel will be sensitive to the complainant's needs. The panel will ensure consistency and fairness when reaching a decision regarding the arrangements for meetings in the interests of all parties.

If the complainant is invited to attend the meeting, they may bring someone along to provide moral support, this can be a relative or friend. Please note that the accompanying person will not be able to contribute to the meeting.

Generally, we will not accept either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk to Governors will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- confirm the names of the panel members and the Chair of the panel, to allow the complainant to raise any concerns about the membership of the panel if not already done so
- request copies of any further written material to be submitted to the panel at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The panel **will not** accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint.

The meeting will be held in private.

Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The panel will consider the complaint and all the evidence presented. The panel 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 panel 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 panel will provide the complainant and Malvern Wells CofE Primary School with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days. This concludes the school's part in the school complaints process.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Malvern Wells CofE Primary School.

If the complaint is:

a. jointly about the Chair and Vice Chair or

b. the entire governing board or

c. the majority of the governing board

Formal Stage 2 will be conducted by a panel of independent governors organised by the Clerk to Governors.

The Chair of the independent panel will write a response (decision letter) which 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 recommended actions that the school should take to resolve the complaint.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Malvern Wells CofE Primary School.

Next Steps

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

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Malvern Wells CofE Primary School. They will consider whether Malvern Wells CofE Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Annex A

Malvern Wells CofE Primary School Complaint Form

Please complete and return to either the headteacher or Clerk to Governors as appropriate in line with the policy, who will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name (if relevant):	
Your relationship to the pupil (if relevant):	
Address:	
Contact telephone number:	
Contact email address:	
Please give a description of your complaint, including whether you have spoken to anybody at the school about it: (Max 500 words)	

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 whom:	
Complaint referred to:	
Date:	

Annex B

Managing serial and unreasonable complaints

Note:

This policy can also be adapted to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

Malvern Wells CofE 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 our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Malvern Wells CofE Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- 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 complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while 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.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Malvern Wells CofE Primary 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 be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Malvern Wells CofE Primary School.

Annex C

Complaint process flowchart

