



Love To Learn



## COMPLAINTS POLICY

**ADOPTED DATE: NOVEMBER 2018**  
**REVIEW DATE: NOVEMBER 2021**

Malcolm Sargent Primary School  
Empingham Road  
Stamford PE9 2SR

## **Dealing with complaints – initial concerns**

At Malcolm Sargent Primary School, we take informal concerns seriously at the earliest stage so that we are able to resolve most issues very quickly and effectively.

In most cases the class teacher or the individual delivering the service (in the case of extended school provision) will receive the first approach about a concern. It is helpful if staff are able to resolve issues on the spot, including apologising where necessary. We recognise however that sometimes this is not possible and formal complaints should always follow this Complaints Policy.

Most concerns are handled without the need for formal procedures. The requirement to have a Complaints Policy does not in any way undermine efforts to resolve the concern informally.

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

At Malcolm Sargent School we take informal concerns seriously and make every effort to resolve the matter as quickly as possible. 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.

There are occasions when complainants would like to raise their concerns formally. In those cases, our school's formal policy should be invoked through the stages outlined within our procedure **Annex A**.

## **Who can make a complaint?**

Any person, including members of the general public, may make a complaint about any provision of facilities or services which our school provides, unless separate statutory procedures apply (such as exclusions or admissions). As a school we do not limit complaints to parents or carers of children who are registered at the school.

## **Complaints regarding children with special educational needs and/or disabilities**

A parent or carer who has a child at the school with special educational needs (SEN), and who wishes to make a complaint, should approach the Complaints Coordinator in the first instance, stating that they have a child with SEN. The Complaints Coordinator will then always and automatically ensure that the Special Educational Needs Coordinator (SENDCo) is involved in resolving the

complaint. If the complaint remains unresolved or if the complaint is about the SENDCo, it will follow the normal procedure as detailed below.

## **Timeliness**

We will aim to consider complaints and resolve complaints as quickly, and efficiently as possible. Each action within each stage will be completed as soon as possible and within at least 10 school days. When further investigations are necessary, we will set new time limits. In those instances, we will send the complainant details of the new deadline and give an explanation for the delay.

## **Stages:**

We expect complaints to be made as soon as possible after an incident arises to allow for effective management of a complaint. We consider three months to be an acceptable time frame in which to lodge a complaint, although we will consider any complaints lodged beyond this period.

## **Recording Complaints**

We ask for complaints to be made by using a complaint form or in writing. If the complainant has communication preferences due to disability or learning difficulties, then we allow alternative methods of contact.

- A complaint may be made in person, by telephone, or in writing.
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties, we may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point.
- We will record the progress of the complaint and the final outcome. The Complaints Coordinator is responsible for these records and holds them centrally.
- As a school we are aware that complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.
- Our standard complaint form is included in **Annex B**.

## **Governing Body Review**

Complaints will not be shared with the whole of the Governing Body, except in very general terms, in case an appeal panel needs to be organised. If the whole Governing Body is aware of the substance of a complaint before the final stage has been completed, the school will arrange for an independent panel to hear the complaint. We may approach either a different school to help or the local Governor Services team.

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Our school will consider the request but ultimately, the decision is made by the Governing Body.

The process of listening to and resolving complaints can contribute to school improvement. When individual complaints are heard, our school may also identify underlying issues which need to be addressed. The school recognises that monitoring and a review of complaints can be a useful tool in evaluating a school's performance. The Governing Body will review complaints and their handling at regular intervals to inform improvements and the effectiveness of the complaints procedure.

### Complaints not in scope of the policy

Our Complaints Policy covers all complaints about any provision of facilities or services which we provide as a school, with the exceptions listed below for which there are separate (statutory) procedures:

Exceptions	Who to contact
Admissions to schools Statutory assessments of Special Educational Needs (SEN) School re-organisation proposals Matters likely to require a child protection investigation	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/schooldiscipline-exclusions/exclusions">www.gov.uk/schooldiscipline-exclusions/exclusions</a> .
Whistleblowing	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.

<p>Staff grievances and disciplinary procedures</p>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<p>Complaints about services provided by other providers who may use school premises or facilities.</p>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

## **Annex A- Complaints Procedure**

### **Dealing with complaints – formal procedures**

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

At Malcolm Sargent School we nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. Our school's Complaints Co-ordinator is the Business Manager.

#### **Stage 1 (informal): complaint heard by staff member**

It is in everyone's interest that complaints are resolved at the earliest possible stage.

We understand that the experience of the first contact between the complainant and the school is crucial in determining whether the complaint will escalate. To that end, staff are made aware of the procedures, so that they will know what to do when they receive a complaint.

As a school we respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complaints Coordinator can refer the complainant to another staff member. Where the complaint concerns the Principal, the Complaints Coordinator will refer the complainant to the Chair of the Governing Body.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Complaints Coordinator may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a member of the Governing Body, the next step is to refer the complainant to the appropriate person and advise them about the procedure.

It is useful if members of the Governing Body do not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

#### **Stage 2 (formal): complaint heard by Principal**

The Principal's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

### **Stage 3 (formal): complaint heard by Chair of Governors**

If the complainant is not satisfied with the response of the Principal or the complaint is about the Principal, the complainant should write to the Chair of the Governing Body to request that their complaint is considered further.

### **Stage 4 (formal): complaint heard by Governing Body's Complaints Appeal Panel**

The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the Appeal Panel. The Chair (or if the Chair has been involved at any previous stage in the process, a nominated member of the Governing Body) will convene a Governing Body Appeal Panel.

The Governing Body Appeal Panel hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Governing Body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The procedure adopted by the Governing Body Appeal Panels would normally be part of the school's complaints procedure. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.

### **The remit of The Governing Body Appeal Panel**

The Appeal Panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any member of the Governing Body sitting on an Appeal Panel needs to remember:

- It is important that the hearing is independent and impartial and that it is seen to be so.
- No governor may sit on the panel if he/she has had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, the Governing Body needs to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue which affects their child. The Appeal Panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The Appeal Panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The members of the Governing Body sitting on the Appeal Panel need to be aware of the complaints procedure.



## **Annex B –Complaint Form**

Please complete and return to Liz Town (Complaints Coordinator) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint.</b>
<b>What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?</b>

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use  
Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## **Annex C: Roles and Responsibilities**

### **The Complainant**

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

### **The Complaints Coordinator**

The Complaints Coordinator will:

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Principal, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:
  - sharing third party information;
  - additional support - this may be needed by complainants when making a complaint including interpretation support.

### **The Investigator**

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role includes 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;
- consideration of records and other relevant information;
- interviewing staff and children/young people and other people relevant to the complaint;
- analysing information;
- effectively liaising with the complainant and the Complaints Coordinator as appropriate to clarify what the complainant feels would put things right;

- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The Investigator will also make sure that they:

- 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.

### **The Panel Clerk (this could be Clerk to the Governors or the Complaints Coordinator)**

The Clerk is the contact point for the complainant for the panel meeting and will:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the Complaints Coordinator.

### **The Appeal Panel Chair**

The Appeal Panel Chair has a key role in ensuring that:

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease which is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone; care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;

- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance; 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 hearing;
- liaise with the Clerk and Complaints Coordinator.

## **Panel Members**

Panel members will need to be aware that:

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;
- No member of the Governing Body may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously;
- many complainants will feel nervous and inhibited in a formal setting;
- Parents/carers often feel emotional when discussing an issue which affects their child; the panel chair will ensure that the proceedings are as welcoming as possible.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;
- Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated; the panel 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 panel 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 panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.
- The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.
- The welfare of the child/young person is paramount.

## **Annex D- Interviewing Best Practice Tips**

### **Children/Young People**

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

### **Staff/Witnesses**

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the Complaints Coordinator/Principal/Chair of Governing Body the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh.
- Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

## Annex E- The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governing Body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, we may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education  
School Complaints Unit  
2nd Floor, Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## **Annex F- Policy for Unreasonable Complainants**

Malcolm Sargent 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 take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Malcolm Sargent Primary 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 taken into account 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 Principal or Chair of the Governing Body will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact Malcolm Sargent 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, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from Malcolm Sargent Primary School.

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

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Malcolm Sargent Primary School will therefore act to ensure it remains 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 Principal 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, taking into account 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 Principal or Chair of the Governing Body. 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.

## **Annex G- Further Information**

### **Useful Resources and External Organisations**

- National Governors Association
- Information Commissioner's Office

### **Other Relevant Departmental Advice and Statutory Guidance**

- Section 29 of the Education Act 2002
- Governors Handbook
- Understanding and Dealing with Issues Relating to Parental Responsibility
- Best Practice Advice for School Complaints procedures 2016 (Jan 2016)

### **Other Departmental Resources**

- How to complain about a school - Advice for complainants
- Parental Responsibility Guidance – non-statutory advice for schools