

## CONCERNS AND COMPLAINTS POLICY GUIDANCE TO PARENTS

### **1. Introduction**

We strive to provide a good education for all our children. The Headteacher and staff work very hard to build positive relationships with all parents. However, in accordance with Section 29 of the Education Act 2002, all local authority (LA) maintained schools are obliged to have procedures in place in case there are complaints by parents or guardians. The following policy sets out the procedures that the school follows in such cases.

If any parents are unhappy with the education that their child is receiving, or have any concerns relating to the school, we encourage them to talk to the child's class teacher immediately.

We deal with all complaints in accordance with procedures laid down by the Department for Education.

### **2. Aims**

Our school aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints, and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding. In all cases we put the interests of the child above all else. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

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'.

### **3. Stages in the Procedure**

The school expects concerns/complaints to be made as soon as possible after an incident arises. *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 concerns/complaints made outside of this time frame if exceptional circumstances apply. We will consider concerns/complaints made outside of term time to have been received on the first school day after the holiday period.*

Concerns/complaints can be made in person, by telephone, or in writing. Brief notes of meetings and telephone calls will be kept. Where there are communication difficulties, we may use a recording device to ensure the complainant is able to access and review the discussions at a later point.

#### **Stage 1 – Meeting with Class teacher**

**It is our view that it is in everyone's interest that any concerns are resolved at the earliest opportunity by a meeting with your child's class teacher.** We find that most issues can be resolved and informally addressed this way without the need to invoke formal procedures. Class teachers are available to meet parents/guardians, by appointment, at the end of most school days (morning appointments are sometimes available.) *The school will acknowledge informal concerns within 3 working days (excluding those that fall in the school holidays), and investigate and provide a response within 10 working days.*

#### **Stage 2 – Meeting with Key Stage Leader**

If you feel that stage 1 has not adequately addressed your concern, or, if for whatever reason, you do not wish to discuss your complaint with the class teacher, **you can make an**

**appointment to meet with the relevant key stage leader.** Key Stage Leaders are available to meet parents/guardians, by appointment, at the end of most school days (morning appointments are sometimes available.) [The school will acknowledge informal concerns within 3 working days \(excluding those that fall in the school holidays\), and investigate and provide a response within 10 working days.](#)

- Foundation Stage & KS1: Mrs Gail Smith
- KS2: Miss Isabel Danaher

***We expect that the majority of concerns will be resolved in this way (and will not be recorded as a formal complaint). However, if the concern is not resolved during Stage 1 or Stage 2, the following formal procedure will be adhered to:***

### **Stage 3 – Discussion with Senior Leader (Inclusion Leader, Deputy Headteacher or Headteacher)**

If you feel that Stage 2 has not adequately addressed your concern, or, if for whatever reason, you do not think it appropriate to discuss your concern with the class teacher or Key Stage leader, **you can make an appointment to meet with the Inclusion Manager, Deputy Headteacher or Headteacher.** A request for a meeting can be made via the school office upon completion of a "Request for Senior Leadership Meeting form." After meeting with you the Senior Leader will decide on the appropriate course of action; for example:

- to refer the matter back to the class teacher or key stage leader for further discussion under the earlier Stages
- to agree with you a resolution to your concern
- to conduct an investigation into your concern before deciding the outcome

***We expect the majority of concerns will be resolved in this way (and not recorded as a formal complaint).***

#### **For formal concerns/complaints within this stage:**

The Senior Leader will respond within 5 working days (excluding those that fall in the school holidays) of the date of receipt of the concern to acknowledge receipt of the concern/complaint and explain what action will be taken, giving clear timeframes.

Once Stage 3 investigations have concluded, the Senior Leader must inform the complainant of their decision in writing within 10 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the concern/complaint.

### **Stage 4 – Referral to the Chair of Governors (Formal Stage)**

After stage 3, if you still feel your concern has not been adequately addressed, then you can write to the Chair of Governors within 5 working days of the Stage 3 completion via the school office using the formal complaint form within this policy. (See Appendix A) You should mark your concern as Private and Confidential with attention to the Clerk of Governors. You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents. The Clerk will respond within 5 working days (excluding those that fall in the school holidays) of the date of receipt of the concern/complaint and explain what action will be taken, giving clear timeframes. The Chair of Governors will consider your complaint and then decide on the appropriate course of action, for example:

- to refer the matter back to the Senior Leader for further discussion under the earlier Stages
- to meet with you
- to conduct an investigation into the concern
- to convene a panel of governors to formally hear your concern

The Chair of Governors will write to you with the outcome of their investigation [within 10 working days \(excluding those that fall in the school holidays\).](#)

### **Stage 5 – Referral to the Governing Body's Complaints Appeal Panel**

If you feel that your concern has not yet been adequately addressed, you may 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 governor, will convene a Governing Body Complaints Appeal Panel. The appeal hearing will take place within 20 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the Clerk to the Governors to the complainant, confirming the appeal.

The governors' appeal hearing is the ***last school-based stage of the complaints process*** and is not convened merely to rubber-stamp previous decisions. 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.

The panel will look at written materials, consider the complaint and the Headteacher's (or Chair's) action, and may occasionally invite the Headteacher or Chair of Governors (as appropriate) to the meeting. They will seek further advice as necessary. 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. The 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.

The panel will notify all parties in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays). This will include the reasons for the decision. Minutes of the hearing will be shared with all involved in the hearing.

- Individual complaints will 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.

### **Stage 6: Referral to the Local Authority or Department for Education (DfE)**

If you feel that the school has not adequately dealt with your complaint then you can refer the matter to the DfE or Local Authority. Department for Education Piccadilly Gate Store Street Manchester M1 2WD Telephone 0370 000 2288

***Making an external complaint should only happen after the previous stages above have been exhausted otherwise you risk having the LA and DfE referring you back to the earlier stages in this process.***

### **Withdrawal of a complaint**

If the complainant wishes to withdraw their complaint, they will be asked to confirm this in writing.

### **Time frames**

Complaints will be considered and resolved as quickly, and efficiently as possible. Morden Primary expect that complaints are made as soon as possible after an incident arises. Morden Primary School reserves the right ***not*** to investigate complaints that have been made beyond three months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light; where the complaint is of an especially serious matter; or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

Morden Primary will endeavour to abide by time frames stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to

complete any stage of the complaints procedure within a given time frame, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed time frame that works for all parties involved.

### **Complaints about the Head teacher or the Governors**

Where a complaint regards the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Clerk to the Governors (please contact via the School Office). The Stage 3 process will then commence, but with the Chair of Governors as the individual responsible for the investigation rather than the head teacher.

Where a complaint regards a governor, the same process applies as for the Headteacher.

Where a complaint concerns the Chair of Governors, the individual should contact the Clerk to the Governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 4 will take immediate effect. The Vice Chair will mediate any proceedings.

Please see **Appendix B** for Complaints not in scope of the procedure.

### **How we will record Concerns or Complaints**

- 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.
- We will record the progress of the complaint and the final outcome. The complainant will be informed of the outcome which may include on the following statements:
  - There is insufficient evidence to reach a conclusion so the complaint cannot be upheld.
  - The complaint is not substantiated by the evidence.
  - The complaint was substantiated in part or full (some details may then be given of action the school may be taking to review procedures but details of any disciplinary procedures will not be released).
  - The matter has been fully investigated and that appropriate procedures are being followed which are strictly confidential. (e.g. where staff disciplinary procedures are being followed.)

The Headteacher will be responsible for these records and hold them centrally.

### **Serial and Persistent Complainants**

We will do our best to be helpful to people who contact us with a complaint or concern or a request for information. However, in cases where we are contacted repeatedly by an individual making the same points, or who asks us to reconsider their position, we will need to act appropriately.

It is a poor use of any schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors will inform them that the procedure has been completed and that the matter is now closed.

### **Please see Appendix C for Policy on Unreasonable Complainants**

### **Is it time to stop responding?**

The decision to stop responding will never be taken lightly. DfE (Department for Education) guidance March 2019 is that a school needs to be able to say yes to all of the following:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and

- They are contacting the school repeatedly but making substantially the same points each time.

The DfE highlight that the case is stronger if the school agrees with one or more of these statements:

- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience. (e.g. Has the complainant said as much in a letter, email or telephone call?)
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about, or threats towards, staff.

Where an individual's behaviour is causing a significant level of disruption we will implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

If a complainant persists to the point that the school considers it to constitute harassment, legal advice will be sought as to the next steps.

Once the school has decided that it is appropriate to stop responding, we will let the complainant know; ideally, through a hard copy letter but an email will suffice.

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

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

If a parent's behaviour is a cause for concern, we will ask him/her to leave school premises. In serious cases, the headteacher or the local authority will 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.

**APPENDIX A**



**COMPLAINT FORM**

Please complete this form and return it to the Headteacher or Clerk to the Governing Body, who will acknowledge its receipt and inform you of the next stage in the procedure.

**Name:** \_\_\_\_\_

**Relationship with school (e.g. parent of pupil):** \_\_\_\_\_

**Pupil's name (if relevant):** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Daytime Tel:** \_\_\_\_\_ **Evening Tel:** \_\_\_\_\_

**Email address:** \_\_\_\_\_

Please give details of your complaints, including all relevant dates and facts to allow the matter to be fully investigated. Please continue on separate paper if you wish.

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Please state below any action that has been taken so far to resolve your complaint

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

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Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **APPENDIX B**

### **Complaints not in scope of the procedure**

A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>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.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>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>.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>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>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

## **APPENDIX C**

### **Policy on Unreasonable Complainants**

Morden Primary 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.

Morden Primary 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 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 asking them to change it. For complainants who excessively

contact Morden Primary causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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