



Aiming for Excellence

## **Manorbrook Primary School**

*Aiming for Excellence*

*February 2023 Edition*

### **Complaints Policy**

Manorbrook School aims to work in partnership with parents and carers in the best interests of the children. Any complaint will be given careful consideration and will be dealt with fairly and honestly.

We will provide sufficient opportunity for any complaint to be fully discussed, and aim to resolve it through open dialogue and mutual understanding.

Complaints are 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 about any provision of facilities or services by the school.

### **Part 1: General Principles**

Our complaints procedure is not intended to replace the normal informal discussions which take place between parents, carers, staff and the Headteacher on problems and concerns as they arise. Most issues can be resolved through this dialogue.

These concerns might include such matters as your child's work or progress, relations with staff, relations with other pupils including bullying, or your child's personal welfare.

The first point of contact regarding concerns should always be the class teacher. Appointments to see the class teacher are available both before and after school and may be made via the office. Please bear in mind that teachers require time immediately before school to prepare for the day, and may have involvement with clubs or staff meetings after school, so may not always be available at short notice.

When meeting with the class teacher to raise your concerns, please be patient, the class teacher may need time to perform an investigation or put corrective measures in place and then determine their effectiveness. This informal stage may require several meetings to reach a conclusion satisfactory to all parties. Desired actions for the school and parent may be discussed at this stage, along with timescales, and the need for further meetings.

If a parent feels that a concern has not been solved through discussions with the class teacher, or that it is of a sufficiently serious nature, then an appointment to discuss it with the Headteacher should be made. The parent should indicate that the appointment is regarding a complaint.

## **Complaints not in the scope of this policy**

The majority of formal complaints against the school will fall within the remit of the Governing Body to consider. However, there are nine categories of complaint for which there are separate procedures and the Local Authority will usually become involved.

- Admission to the school
- Statutory Assessment of special educational needs
- School re-organisation proposals
- Child protection related issues or allegations of child abuse
- Exclusion of pupils from the school
- Whistleblowing
- Staff grievances and disciplinary procedures
- Complaints about services provided by other providers
- National Curriculum Content

In any of these nine categories, the school will advise you of the procedure for your complaint.

## **General principles regarding any complaint**

The following principles will apply to any complaint

- The complaint will be handled with care and sensitivity
- All stages of the complaints procedure will be investigatory rather than adversarial
- Confidentiality will be respected at all times
- Responses to any complaint will be prompt (timescales are detailed below)
- The Complainant will be given adequate feedback and kept informed of timescales
- The Complainant will be kept informed of the options to appeal during the process
- Any investigation will be thorough and fair
- Any investigation will address all the points at issue

Complaints should normally be raised within 3 months of any incident, although complaints made outside this time limit will be considered if there are exceptional reasons for the delay. Once a complaint is made it will be dealt with as submitted and should not be added to during the process.

If any Governor is contacted directly by a parent regarding a complaint then that Governor will refer the parent to this complaints procedure. Individual Governors cannot act unilaterally by investigating a complaint or making any prior judgement about it. The Governor can only refer the parent to the class teacher, the Headteacher or the Chair of Governors as appropriate.

If the complaint is one that may result in disciplinary or legal action against the Headteacher, or the complaint is regarding the Headteacher, then the complaint should immediately be escalated to Stage 1b via a letter to the Chair of Governors as described below, and if that fails, to stage 2 via submission of a Formal Complaint Form (Appendix B) to the chair of governors who will convene a complaints panel

If at any stage of a complaint it becomes apparent that the Complainant is seeking some sort of financial compensation then any investigation will be halted whilst advice is sought from the Local Authority Risk and Insurance Manager.

Children from the school should only be called on as witnesses in very exceptional circumstances and, in such circumstances, should be accompanied by a parent, carer or member of staff during any meetings.

If an anonymous complaint is received, or the Complainant requests anonymity, then the Complainant will be urged to identify themselves in the interests of fairness and of dealing effectively with the complaint. However if the anonymous complaint is of a sufficiently serious nature then the Headteacher or Chair of Governors will decide whether action is appropriate.

If any complaint about a staff member raises child protection issues then the complaint will be referred immediately to the Local Authority.

## **Part 2: Dealing with complaints – procedures**

The following procedures will need to be invoked when initial attempts to resolve the issue (see Part 1 above) are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

There are 2 stages in the procedures:

- Stage 1 – Complaint investigated informally by (a) the Headteacher or (b) the Chair of Governors or a suitably qualified governor
- Stage 2 – Complaint investigated formally by a panel of governors.

### **Stage 1: Informal**

**a) Complaint handled by the Headteacher.** If a parent feels that a concern has not been solved through discussion with the class teacher, or that it is of a sufficiently serious nature, then an appointment to discuss it with the Headteacher should be made. The parent should indicate that the appointment is regarding a complaint.

If the Headteacher cannot resolve the complaint at the initial meeting then the school may carry out an investigation of the complaint. It will be the Headteacher's responsibility to decide who should conduct the investigation. This may be the Headteacher or may be a member of the Senior Leadership Team, especially if there is the likelihood of a personnel issue emerging from the investigation.

The investigation will be completed within **10 school days** and a follow-on meeting held with the parent to discuss the results of the investigation. Further meetings may be held as required if both parties agree that the concern may be resolved by subsequent meetings, whilst still at the informal level.

The Headteacher will make written notes of any informal complaint. The notes will include details of the complaint, how it was dealt with, by whom and the outcome. In the event of the complaint proceeding to the formal stage, these notes will be made available to the Complaints Panel.

If discussions between the Headteacher and the Complainant prove fruitless, and the issue cannot be resolved to the Complainant's satisfaction, then the Headteacher will advise the Complainant that they may make a formal complaint to the Governing Body, by putting the complaint in writing (using the Complaints Form in Appendix B) to the Chair of

Governors **within 15 school days**. Complainants are very strongly advised to use the Complaints form as this will help ensure the complaint can be effectively investigated.

**b) Complaint about the Headteacher.** The above procedures apply if the complaint is about the Headteacher, but the informal investigation will be undertaken by the Chair of Governors or a suitably qualified governor unless the Chair decides it is necessary to move straight to Stage 2.

**c) Complaints against the Governing Body, Chair of Governors or any individual governor** should be made in writing to the Clerk to the Governing Body.

## **Stage 2: Formal**

When the Chair of Governors has received a formal complaint, a panel of three Governors will be convened to hear the complaint, and make a decision about it on behalf of the Governing Body. The Governors appointed to the panel will have had no previous involvement in the complaint.

The primary function of the Complaints Panel is to decide on the merits or otherwise of the complaint. However, the panel will also play an important role in attempting to resolve the complaint. The panel will reach a decision on whether the complaint is upheld or rejected and may call for certain action to be taken by the school or the parents.

The Complaints Panel, supported by a clerk, will invite written evidence from all parties to the complaint. Any written evidence will be circulated to all parties prior to any meetings. The Complaints Panel will then meet with all parties to the complaint, formally and separately. These meetings will be held as soon as possible, given the time constraints of all parties, at locations acceptable to all parties. Each party may be accompanied by a relative or friend who can only speak on their behalf in exceptional circumstances if the complaints panel agrees this is necessary. All parties will be given a fair opportunity to express their point. The procedure for each meeting will be as follows

- Introductions will be performed by the Chair of the Complaints Panel
- The Complainant makes a statement of their complaint and the outcome sought
- The panel will question the Complainant
- The Complainant may make a final statement

Meetings with other parties will follow a similar pattern. The meetings will be minuted. Care will be taken in identifying a clerk. It may be appropriate for a member of staff such as the school secretary to act as clerk, although consideration will be given to the sensitivity of the particular complaint.

The decision reached by the panel will be notified in writing to the Complainant and any subject(s) of the complaint. It will also be reported back to the next meeting of the full governing body. Only a brief summary to the full governing body will be provided, with no detailed or named information. This will ensure that any further actions will not be jeopardised.

Written replies to Complainants will aim to answer all the points of concern, be factually correct, avoid jargon, and tell the Complainant what to do next if they are still not satisfied. It may be appropriate for the nominated complaints governor to telephone the Complainant

regarding the outcome. However this will always be followed up with a letter to make sure there is no misunderstanding.

When a formal complaint is received by the Chair of Governors a letter of acknowledgement and a request for written evidence will be sent to the Complainant **within 10 school days**. All other parties to the complaint will receive a letter outlining the complaint and requesting written evidence. The letters will detail the Governors involved in the Complaints Panel and the nominated Chair. Any written evidence should be sent to the nominated Chair of the Complaints Panel. The panel will convene the complaints meetings as soon as is practically possible after the receipt of all written evidence, at mutually acceptable times. Following the conclusion of the complaint meetings with all parties, the panel will provide a written response to the complaint within **15 school days**.

Where it is not possible to respond to a complaint within the stated timescales, the Complainant will be informed in writing of the reason for the delay and given an anticipated response date.

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 for this before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee 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 committee 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 committee will provide the complainant and the school with an explanation of their decision and the reason(s) for it, in writing, within 15 school days. The response will also advise the complainant of the next steps to escalate their complaint should they remain dissatisfied.

## **Next Steps**

If the complainant believes Manorbrook School did not handle their complaint in accordance with the published complaints procedure 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 the school. They will consider whether the 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](http://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

## **Serial and unreasonable complaints**

A complaint may become serial and/or unreasonable when it has been properly considered and dealt with, but the complainant is not prepared to accept the conclusion or persists in making the same or substantially the same complaint. Continuing with such complaints can unreasonably take up time and resources and detract from the responsibility to others in the school community. If the Chair of Governors judges that a complaint has become serial and/or unreasonable he/she will inform the complainant in writing of this, stating that the matter is now closed.

## **School policy regarding harassment or abusive behaviour**

The Headteacher and Governing Body are fully committed to the improvement of our school. We welcome feedback from parents / carers and will always try to resolve any concerns as quickly as possible.

Sometimes, however, parents or carers pursuing complaints or other issues may treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

Unreasonable behaviour may include:

- Actions which are out of proportion to the nature of the complaint, persistent – even when the complaints procedure has been exhausted, personally harassing, or unjustifiably repetitious
- An insistence on pursuing unjustified complaints and / or unrealistic outcomes to justified complaints
- An insistence on pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language; or making complaints in public or via social networking sites; or refusing to attend appointments to discuss the complaint.

We regard harassment as the unreasonable pursuit of issues or complaints, particularly, but not limited to, if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- It appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- It has a significant and disproportionately adverse effect on the school community.

The school expects anyone who wishes to raise concerns with the school to:

- Treat all members of the school community with courtesy and respect;
- Respect the needs of pupils and staff within the school;

- Avoid the use of violence, or threats of violence, towards people or property;
- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- Follow the school's complaints procedure.

In cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach
- Inform the complainant in writing that the school considers his/her behaviour to be unreasonable or unacceptable, and request a changed approach
- Require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken
- Inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority

The governing body will not tolerate **any** form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- Ban the individual from entering the school site, with immediate effect
- Request a community protection notice (CPN) or criminal behaviour order (CBO)
- Prosecute under Anti-Harassment legislation
- Call the police to remove the individual from the premises, under powers provided by the Education Act 1996

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to action relating to harassment or abusive behaviour. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

### **Part 3: Managing and recording complaints**

The school will record the progress of the complaint and the final outcome. A complaint may initially be made in person, by telephone, or in writing. At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.

The Headteacher is responsible for the records and will hold them centrally. Records of complaints will be kept for a minimum of six years.

### **Governing body monitoring of complaints**

The governing body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole governing body will not name individuals.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, the school will consider whether there are underlying issues that need to be addressed.

### **Staff disciplinary procedures**

It may be necessary to suspend the complaints procedure in respect of a complaint which indicates that there may be a need for disciplinary action to be taken against a member of staff. The decision to suspend the complaints procedure will be taken when it has been established that there may be a case to answer. In this instance the advice of the Local Authorities Human Resources department will be sought.

The Complainant will be notified that the complaints procedure has been suspended and the likely timescale for its reactivation. The resolution of the complaint will be notified to the Complainant at the conclusion of any disciplinary proceedings. However, the details of any disciplinary proceedings will not be released to the Complainant.

### **Links to other policies**

This policy to be read in conjunction with Behaviour Policy, Anti-bullying, Safeguarding and Health and Safety policy.

Review Frequency	3 years
Reviewed by	Learning Committee
Latest version	January 2023
Approved by	Learning Committee
Next review due	January 2026

## **Appendix A – Roles and responsibilities**

### **The Role of the Clerk**

The panel considering the complaint will be clerked. The clerk is the contact point for the complainant and is required to:

- Liaise with the panel chair to set the date, time and venue of meetings, 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 meetings;
- meet and welcome the parties as they arrive;
- make full written records the meetings;
- notify all parties of the panel's decision.

### **The Role of the Chair of the Panel**

The Chair of the Panel will ensure that:

- S/he meets the complainant to clarify the complaint prior to the formal meetings;
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case in individual meetings without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such meetings are put at ease;
- meetings are conducted in an informal manner and all parties are treated with courtesy and respect;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties;
- sensitive material is dealt with confidentially and access to it is restricted

## Appendix B - Complaint Form

Please complete and return to the School Office, 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, including whether you have spoken to anybody at the School about it.</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 whom:**

**Complaint referred to:**

**Date:**

## Appendix C - Complaints Flowchart

