



## COMPLAINTS POLICY and PROCEDURES

### INTRODUCTION

The partnership between the parent and the school is integral to the ethos of Marvels Lane and should be characterised by a mutual respect by which parents feel they are able to bring their concerns to the attention of the school, at any time, with the expectation they will be listened to and their concerns addressed.

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 the 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.

This procedure is intended to guide you in raising a concern or complaint relating to the school, or the services that it provides.

### PART 1 - Raising a Concern or Complaint

#### a) INFORMAL STAGE

Not all concerns are complaints. A concern is an issue raised by a parent, pupil or other person that is resolved quickly and informally. Most concerns are resolved by the person to whom the concern is addressed e.g. the class teacher. Every effort should be made to address concerns at this level and with the least possible formality. The ideal is that no concern should become a complaint.

Occasionally, however, a concern will be too serious to be handled in this way, perhaps needing greater investigation; or the person concerned may not feel that the answers given so far have been acceptable or adequate. In such circumstances the concern may become a complaint and this document outlines the procedure that should be followed in such cases.

Serious concerns or complaints, should be addressed directly to a member of the Senior Leadership Team (SLT) or the Headteacher. They can be made verbally, in writing or in person.

It is anticipated that most concerns and complaints will also be resolved at this informal stage.

As part of this informal process, the SLT member will aim to:

- a) Understand the nature and details of the complaint.
- b) Instigate any necessary investigation with the relevant adults and, where appropriate, children in school.
- c) Agree an opportunity, usually in person, to feedback the outcome of this investigation and the relevant details of any resolution.

Any unreasonable refusal to attempt an informal resolution may result in the procedure being terminated.

## **b) FORMAL STAGE**

If the complaint or concern is not resolved at the informal stage the complainant can make a formal complaint. They must put the complaint in writing and submit / re-submit it to the Headteacher, who will be responsible for its investigation at a formal level.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

Where the school receives a formal complaint, it should be acknowledged and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course.

If the complaint is made against another party or member of staff, they should be notified that a complaint has been received and, if appropriate, provided with a copy of the complaint and be informed that an investigation will be carried out.

It is essential that there is a clear understanding of the complaint. Where necessary, the Headteacher may meet with the complainant to clarify the complaint, identify what remains unresolved and also establish what outcome the complainant would like to see. The complainant may wish, by arrangement, to be accompanied by a friend at this meeting. It might also be possible for the complaint to be resolved at this time.

The Headteacher will collect such other evidence as is deemed necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff, by arrangement, may be accompanied by a friend, colleague or a professional body representative if they wish.

Where children are potential witnesses, discretion should be exercised over their involvement. Pupils should only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

The investigation will begin as soon as possible and when it has been concluded, the complainant, and the other parties concerned, will be informed in writing of the outcome.

This may be to the effect that:

- 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 upheld in part or in full.
- 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.

A decision will be made regarding what additional details are provided in terms of both investigation and outcome. These details may be provided verbally or in writing and may include:

- An explanation and/or an apology.
- An admission that the situation could have been handled differently or better.
- An assurance/explanation of the steps that have been or will be taken to help ensure that, where possible, it or a similar situation will not happen again. This may include an undertaking to review school policy.

Complainants should be aware that in many cases some or most of the details may not be included for confidentiality reasons i.e. they may involve another pupil or a staff disciplinary process.

The complainant will be told that consideration of their complaint by the Headteacher is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that the Governing Body review the process followed by the Headteacher in handling the complaint. Such a request must be made in writing within 2 weeks of receiving notice of the outcome from the Headteacher, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part 3 will be followed.

If the complainant considers that the decision of the Headteacher is perverse, or that the Headteacher has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Headteacher under part 2 of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

## **PART 2 - Raising a concern or complaint about the Headteacher**

### **a) INFORMAL STAGE**

The complainant is usually expected to arrange to speak directly with the Headteacher. Many concerns can be resolved by simple clarification or the provision of information. If the matter is not resolved, and if both parties agree, then a third party may be invited to act as a mediator at a further meeting. In some circumstances, a complainant may feel unable to speak directly to the Headteacher, in which case they may make a written request for the concern / complaint to be addressed informally by the governor allocated this role. In extreme circumstances, however, the governor might decide that it is appropriate for the initial complaint to be dealt with at the Formal Stage. A refusal, unreasonably, to attempt an informal resolution may result in the procedure being terminated.

### **b) FORMAL STAGE**

If the complaint is a) not resolved at the informal stage, b) deemed too serious to be dealt with informally the complainant must put the complaint in writing and pass it to the Governing Body.

The complainant should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents etc.

The complainant will then be contacted by the Complaints Governor and invited to a meeting to present oral evidence or to clarify the complaint. The complainant may wish to be accompanied by a friend at this meeting. The governor will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

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

When the investigation has been concluded, the complainant and the Headteacher will be informed in writing of the outcome. The complainant will not be informed of any disciplinary or capability action.

The complainant will be told that consideration of their complaint by the Governor is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Governor is perverse, or that the Governor has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Governor. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Governor, and include a statement specifying any perceived failures.

## **PART 3 - Review Process**

Any review of the process followed by the Headteacher or the Governor shall be conducted by a panel of 3 members of the Governing Body.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations should be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite the Headteacher or the Governor, as appropriate, to make a response to the complaint. The panel may also have access to the records kept of the process followed.

The complainant, and the Headteacher or the Governor, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation (where this is practicable).

## **ADDITIONAL NOTES**

All processes should be conducted within a reasonable timescale. If a part of the process is taking longer than expected, then the investigator will provide relevant parties with suitable updates.

Anonymous complaints will only be investigated under this procedure if there are exceptional circumstances.

To allow for a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

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

No meeting or conversation should be audio recorded without the prior knowledge and agreement of all parties. If the school has evidence to suggest that this has taken place, the process may be terminated.

If the school believes the complainant to be unreasonably vexatious, persistent, harassing or abusive, then the policy for handling unreasonable complaints will be followed.

Any dispute in relation to reasonableness may be determined through the review process.

## NEXT STEPS

If the complainant believes the 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 3.

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.

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