



Complaints Policy

*Welcoming and Serving
Through
Discovery, Enjoyment and Nurture*

The school welcomes and serves all in its community. We work to mirror the body of Christ believing that everyone brings gifts and talents that enrich our life together. We treat one another with generosity, compassion, respect, forgiveness and friendship inspired by the parable of the Good Samaritan. We strive to ensure the children of our school receive the very best education possible believing that an excellent standard of Education is an expression of God's love for us.

Reviewed annually

Last review: November 2018

Introduction

Miserden C of E Primary School endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the governing body of Miserden Primary School has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

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 Miserden 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 procedure. Miserden C.E. School takes concerns seriously and will make every effort to resolve the matter as quickly as possible. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, The Head Teacher Mrs Lucie Mitchell will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, <Name> will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, Miserden C E School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception.

- Pupil admissions; see the school website
- Staff grievance, capability or disciplinary; these are covered by the school's grievance/disciplinary/capability procedures
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.

Raising concerns

The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's class teacher by telephoning the school or in person. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue. Anonymous complaints will not be considered unless safeguarding issues are involved.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However; such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy which may be found on the school's website.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, Miserden Primary School requests the complainants do not discuss complaints publicly via social media such as facebook and twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

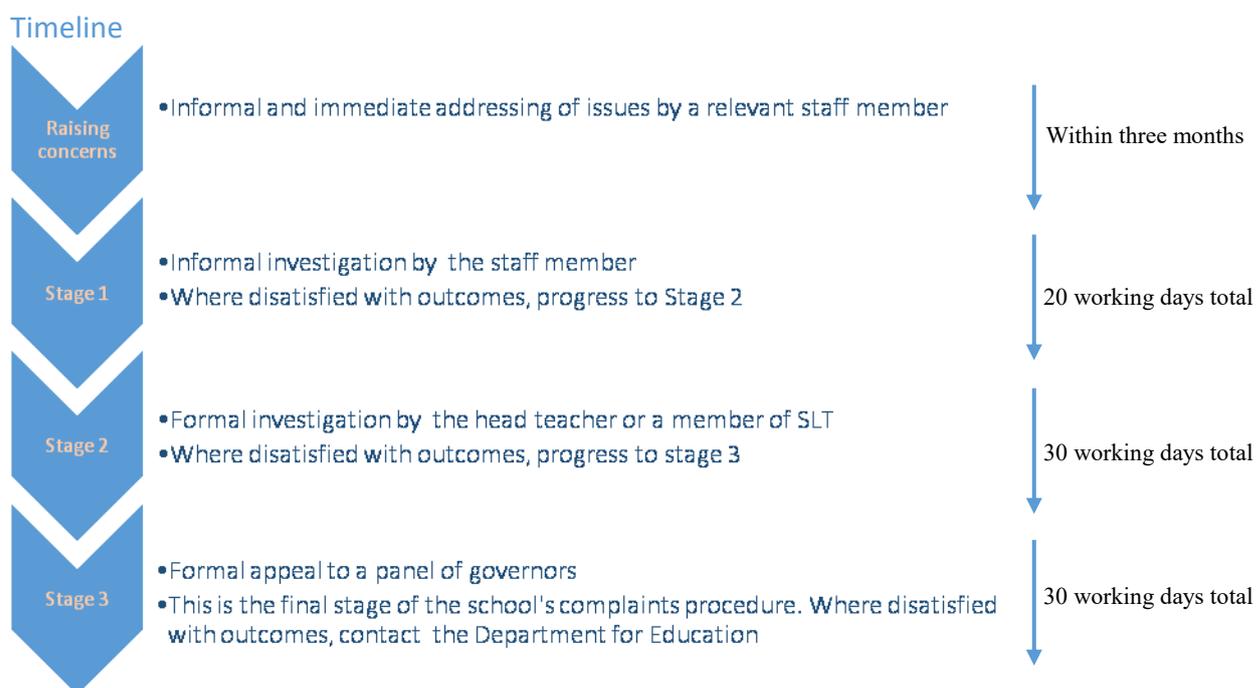
Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the headteacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and

the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below.



Timeframes

Miserden Primary School will endeavour to abide by timeframes 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 timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

Miserden Primary School reserves the right not to investigate complaints that have been made 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 Head teacher will review the situation and decide whether or not to enact the complaints procedure, informing the chair of governors of the decision.

Who should I approach?

Educational matters: your child's class teacher

Pastoral care: Your child's class teacher or The Headteacher

Disciplinary matters: The Headteacher – Mrs Lucie Mitchell

Financial: The School Bursar – Ms Dawn Lane

Administration matters: School administrator. – Mrs Beth Hughes

Complaint about a staff member's conduct: Head teacher – Mrs Lucie Mitchell

Complaint about the Head teacher – Chair of Governors – Mrs Claire Holder

Complaints about the Headteacher 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 (see contact details at the end of the document). The Stage 2 process will then commence, but with the chair of governors as the individual responsible for the investigation rather than another member of the senior team.

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 3 will take immediate effect. The vice chair will mediate any proceedings.

Stages of the Complaint

Stage 1 – Informal investigation by a staff member

If you have a complaint or feel you need further clarification about concerns that you have regarding what the school is doing for your child, then it is important in the first instance to contact the appropriate staff member (see above.) Teachers are generally available after school to speak to parents. Other members of staff may be contacted via telephone.

If necessary, you may wish to make an appointment to see someone. This appointment will be within 5 school days of your request.

At this meeting we will listen to your concerns and then give one of two responses:

- An immediate response to your concerns, or
- An invitation to a further meeting to take place within 10 school days. This will give time for us to look into the matter more fully. At the next meeting a response will be given to your concerns.
- Where appropriate the class teacher may provide a written confirmation of the outcome of their investigation within 15 school days. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process, and launch a formal written complaint.

- The staff member will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998

Stage 2 –formal investigation by the head teacher

1. The complainant may submit a formal complaint form to the head teacher.
2. The head teacher will respond in writing within 10 school days of the date of receipt of the complaint to acknowledge receipt and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The head teacher will consider all relevant evidence; this may include but is not limited to:
 - a statement from the complainant,
 - where relevant a statement from an individual who is the subject of the complaint
 - any previous correspondence regarding the complaint
 - any supporting documents in either case
 - interview with anyone related to the complaint.
5. The head teacher may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation.
6. After considering the available evidence, the head teacher can:
 - Uphold the complaint and direct that certain action be taken to resolve it
 - Reject the complaint and provide the complainant with details of the stage three appeals process
 - Uphold the complaint in part: in other words, the head teacher may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
7. The head teacher must inform the complainant of their decision in writing within 20 school days of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to stage three if they are not satisfied, providing them with the contact details of the clerk to the governors (see the end of the procedure for these).

Stage 3 – Appeal – review by a panel of the school’s governing board

If the complainant wishes to appeal a decision by the head teacher at stage 2 of the procedure, or they are not satisfied with the action that the head teacher took in relation to the complaint, the complainant is able to appeal this decision.

They must write to the clerk (this should be done within 10 school days of receiving notice of the decision) briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened. If this is not practical you should notify the school of your intention to proceed to appeal within 10 school days. A reasonable timescale may then be agreed for you to submit specific details for the appeal.

The clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within 4 weeks of receiving the decision or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

1. The clerk will write to the complainant within five school days to confirm receipt of the appeal request and detail further action to be taken.
2. The clerk will convene a panel of three school governors. All three panel members will have no prior knowledge of the content of the complaint. Where appropriate, independent members may be sought. Individual complaints will not be heard by the whole governing board 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.
3. The appeal hearing will take place within 20 school days of receipt date of the confirmation letter from the clerk to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
 - the complainant
 - the head teacher who dealt with the complaint at Stage 2
 - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant is also able to bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member is also able to bring a companion with them. The companion will be a friend or a colleague (this includes union representation for staff members). Neither party is able to bring legal representation with them. If after the

hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a governor, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the governing board who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review.
7. The panel can make the following decisions:
 - 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.
8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 school days.

This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school will not consider the complaint beyond this.

The appeal hearing is conducted as follows;

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The head teacher may question both the complainant and the witnesses after each has spoken.
- The head teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the head teacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.

- The head teacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties should hear from the panel within 5 school days.

The Terms of Reference of the Complaints Appeal Panel

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.

Unreasonable complaints

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the head teacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see the end of this document) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The head teacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the chair of governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the chair deems it appropriate to, they can redirect the head teacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the chair upholds the Head teacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational

body in the same position would have made that decision, then the complainant may write to the Department for Education (see the contact details at the end of the document).

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full.

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to the governors c/o the school.
- If the complainant feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.
<https://www.gov.uk/complain-about-school>
- [Ofsted will also consider complaints about schools.](#)

Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 1998

<http://www.legislation.gov.uk/ukpga/1998/29/contents>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*

<https://www.gov.uk/government/publications/school-complaints-procedures>