

# Mawsley Community Primary School



## Complaints Policy

Policy Ownership	F&R
Statutory Requirement	YES
Date reviewed by committee	13 <sup>th</sup> November 2017 F&R
Adopted by Full Governing Board	15 <sup>th</sup> July 2019
Formal Review	November 2021

The Governing Board of Mawsley Community Primary School has adopted the following complaints policy and procedure. The 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 Mawsley Community Primary 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 school will take into account the current Best Practice Advice for School Complaints Procedures from the Department for Education when operating this policy.

### **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. Mawsley Community Primary School takes concerns and complaints seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern or raising a complaint with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member or will address the matter herself. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member or will address the matter. 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 a complaint formally. In this case, Mawsley Community Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### **Seeking to resolve matters informally first**

If you, as a parent, pupil or member of the public, have any concern or complaint regarding any matter relating to Mawsley School, you should, in the first instance, discuss the matter informally with the member of staff most directly involved. This should be done as soon as possible after the incident concerned arises, before recollections of it fade.

We hope and expect that the majority of concerns and complaints will be resolved in this way, without the need to use the formal process outlined below.

### **How to make a complaint formally**

If the matter is not resolved informally through discussion with the member of staff, or you do not feel comfortable doing this or that it is appropriate to raise the matter in this way, you should follow the formal complaints procedure below. This procedure does not apply to concerns, as described above, which are addressed as set out above only.

Complaints against school staff (except the Headteacher) should be made in the first instance to the Headteacher, by either:

- telephoning the school office on 01536 799182
- sending an email to: or [head@mawsley.northants-ecl.gov.uk](mailto:head@mawsley.northants-ecl.gov.uk)
- writing a letter addressed to the Headteacher at:

Mawsley Community Primary School  
Scholars Row  
Mawsley  
Kettering  
Northamptonshire  
NN14 1GZ

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the school office.

Complaints about the Chair of Governors, any individual governor or the whole Governing Board should be addressed to the Clerk to the Governing Board via the school office or by email to: [erica.wilson@mawsley.org.uk](mailto:erica.wilson@mawsley.org.uk).

In all cases, please mark your correspondence as Private and Confidential. Please do not use the contact form on the school website to make such a request.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like Citizens' Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. Adjustments may include providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

A complaint can be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so. We may seek confirmation of this consent.

Complainants should not approach individual governors to make complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at later stages of the procedure.

### **Timescales**

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 those incidents. We will consider complaints outside this timeframe only if exceptional circumstances apply.

### **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether any such complaint warrants an investigation.

## Scope of the formal complaints procedure

This procedure covers all complaints about any provision of community facilities or services by Mawsley Community Primary School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Northamptonshire County Council</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). <i>&lt;insert LADO/MASH details&gt;</i>.</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/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. <a href="#">&lt;link to school behaviour policy&gt;</a>.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>

<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Mawsley Community Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

## Resolving complaints

At each stage in the procedure, Mawsley Community Primary School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

## Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## Stage 1

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done as described above (see 'How to make a complaint formally').

The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

*Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Headteacher will provide a formal written response within 10 school days of the date of receipt of the complaint.

If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Mawsley Community Primary School will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Headteacher, or a member of the Governing Board (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Headteacher or member of the Governing Board must be made to the Clerk, via the school office, as described above (see 'How to make a complaint formally').

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Board or
- the majority of the Governing Board

Stage 1 will be considered by an independent investigator appointed by the Governing Board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **Stage 2**

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the Governing Board's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within five school days of receipt of the Stage 1 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

Requests received outside of this time frame will be considered only if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting.

The Clerk will aim to convene a meeting within 15 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from Mawsley Community Primary School available, the Clerk will source any additional, independent governors through another local school or through their Local Authority's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be exceptional occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend under any circumstances.

At least seven school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least five school days before the meeting.

Any written material will be circulated to all parties at least three school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

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 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 Mawsley Community Primary School with a full explanation of their decision and the reason(s) for it, in writing, within five school days of the end of the meeting.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by Mawsley Community Primary School.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Board or
- the majority of the Governing Board

Stage 2 will be heard by a committee of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Mawsley Community Primary School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

### **Notes to the Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### **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 2.



The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Mawsley Community Primary School. They will consider whether Mawsley Community Primary 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/or unreasonable complaints**

Mawsley Community 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 our 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.

Mawsley Community Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 ask them to change it. For complainants who excessively contact Mawsley Community 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, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Mawsley Community Primary School.

## Appendix 1

### Complaint Form

Please complete and return to the headteacher, or Chair if the complaint is about the Headteacher, 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 who:**

**Complaint referred to:**

**Date:**

## Appendix 2

### TYPICAL OUTLINE PROCEDURE AT THE PANEL HEARING

1. You and Headteacher will enter the room where the hearing is taking place together.
2. The Chair of the panel will introduce the panel members and the Clerk and outline the process that will be followed
3. You will be invited to explain your complaint
4. The Headteacher may ask you some questions about your complaint
5. The panel will ask you some questions about your complaint
6. The Headteacher will then be invited to explain the school's actions
7. You may ask the Headteacher some questions regarding matters that are relevant to your complaint
8. The panel will ask the Headteacher questions about your complaint
9. You will then be invited to sum up your complaint
10. The Headteacher will then be invited to sum up the school's actions and response to the complaint.
11. The Chair of the panel will then explain that both parties will hear from the panel with its decision within five working days of the date of the hearing
12. Both parties leave together, while the panel deliberates and makes its decision
13. The Clerk will remain with the panel during its deliberations, to clarify any issues but will not take any part in the decision-making process
14. The Clerk should ensure that s/he has clear wording stating the panel decision about each of the issues that the panel considered before the panel is allowed to conclude its deliberations. The Clerk will use that wording to draft the decision letter. This should be sent to all members of the panel for checking. The letter will clearly express that the panel has seriously considered the complaint
15. The letter notifying the panel's decision will be sent to you and to the Headteacher as soon as practicable, usually within five working days of the date that the hearing takes place

#### **Other points to note regarding the panel hearing**

The panel may ask questions at any point in the proceedings.

The Headteacher must have no contact with members of the governors' complaints panel except when you are present, in order to preserve the principle of neutrality. This means that you and the Headteacher will enter and leave the room where the hearing is held together.

The introduction of fresh documentary evidence at the hearing is discouraged— as noted above it should be produced well in advance so that both parties have time to study it. However, if new and relevant evidence is accepted by the Panel Chair, the Panel Chair will adjourn the hearing for a short time to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.

### **Procedure when exceptional circumstances apply**

It may be necessary to apply a different procedure when exception circumstances apply. Such circumstances may include:

- Where the Chair of Governors has been unable to find three governors who have no detailed prior knowledge of the circumstances surrounding the complaint
- Where the complaint has become general knowledge or a major talking point in the community

In such cases, the Chair of Governors may nominate three governors from the panel who indicate that their prior knowledge of the circumstances surrounding the case is minimal.

If, despite the above, there are insufficient governors available to sit on a panel, the Governing Board will consult the Local Authority and put in place an alternative fair process.

### **Procedure where the complaint relates to the Headteacher**

Where your complaint relates to the Headteacher, we will follow the procedure above, with the Chair of Governors taking the place of the Headteacher in the process.

Your complaint form should be sent to the Chair of Governors instead of the Headteacher.