



# Complaints Policy and Procedure

Malvern Primary School

Adopted: September 2015

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## **Purpose of this Policy and Procedure**

Under Section 29 of the Education Act (2002) Governing Bodies are required to have a procedure in place to deal with complaints. The School Standards and Framework Act (1998) provides additional requirements of Governing Bodies to establish and publish procedures for handling complaints relating to the school.

Malvern Primary School is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who make them. Complaints are important to us as we can put things right if they have gone wrong.

This policy and procedure will be used to deal with complaints relating to the school and any facilities or services that the school provides, will ensure that you have access to a clear process for dealing with complaints and show exactly what will happen with your complaint and how long this process will take.

We value all comments about our school and we will endeavour to address your concerns at the earliest stage possible.

The main aims of this policy and procedure are:

- To recognise the importance and value of feedback.
- To provide you with a clear way of contacting us and tell you when you will receive a response.
- To use your feedback to understand what is causing the problem and where necessary learn from the issue to prevent the same thing happening again.

## **What is our definition of a complaint?**

‘An expression of dissatisfaction made about the school, its staff or an action of a person or organisation providing a service to the school, whether justified or not’

## **Who can complain?**

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main, this will mean pupils, parents and carers of pupils, however, may also include neighbours of the school or members of the local community.

## **What procedures do we follow to review your complaint?**

The formal procedures will only be invoked when initial attempts to resolve the issue informally are unsuccessful, the person raising the concern remains dissatisfied and wishes the matter to be investigated more formally.

In the first instance complaints should be directed to the Business Manager as detailed below who will refer the issue to the most appropriate person.

Making a complaint can be done as follows :

- Via the complaints form in Appendix 1

- By email to Malvern.de@knowsley.gov.uk
- By post to: Mrs Ruth Mylett, Malvern Primary School, Willoughby Rd, Broadgreen, L14 6XA

If the complaint concerns the Headteacher or a Governor, you (the complainant) should contact the Chair of Governors in writing via the school.

If the complaint is about the Chair of Governors, the complainant should write to the Clerk to the Governors [Mrs Ruth Mylett, contact details as above] who will convene a complaints hearing panel appointed from the Governing Body, and stage three of this procedure will apply.

## Standards

When you make a complaint, these are the standards that you can expect from us:

- An acknowledgement of your complaint within 5 school days.
- A response to any complaint with a full explanation within the timescales outlined for each stage of the process identified below.
- Contact from us if the response is going to take longer, explain why and give details of expected timescales.
- Handle and process your information in accordance with the Data Protection Act and School's Information Security Policy.
- Apologise if we have made a mistake.
- Provide a contact name and telephone number if you wish to contact us again.
- Be fair and honest.
- Treat you with dignity, respect and courtesy.

When you make a complaint, these are the standards that we expect of you:

- To treat all of our staff with respect. If you do not, we will refuse to deal with your enquiry until your behaviour is acceptable.
- To provide us with all of the information that we need to investigate and respond to your complaint.
- To tell us what you would like us to do to resolve your complaint.

Please note that where the complaint is made jointly by a number of people, it is expected that a nominee/representative speaks on behalf of all complainants

## Dealing with unreasonable complaints

The majority of complaints made to the school will be dealt with in a timely and effective manner using the complaints procedure outlined in this policy. In a minority of cases however, the way in which complainants pursue their complaint can impede investigations and lead to significant resourcing issues.

The school has adopted the Local Government Ombudsman guidance in relation to unreasonable and unreasonably persistent complaints

<http://www.lgo.org.uk/publications/advice-and-guidance/unreasonable-complainants>

A complaint can be regarded as unreasonable when the person making the complaint:

- Repeatedly makes the same complaint and refuses to accept the findings of the investigation into that complaint.
- Seeks an unrealistic outcome.
- Has a history of making unreasonable complaints.
- Makes frequent, lengthy, complicated and stressful contact with staff regarding the complaint.

A complaint will also be considered unreasonable if the person making the complaint does so:

- Maliciously.
- Aggressively.
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language.
- Knowing it to be false.

The presumption will, where possible be made in favour of not restricting access unless it is absolutely necessary. Where restrictions are placed, the governors will consider the following when assessing unreasonably persistent and/or vexatious complainants:

- Warnings/contract for future conduct.
- Restricting telephone calls to a particular day, time or person.
- Restrictions on methods of contact (e.g. in writing).
- Not acknowledging future correspondence that does not present new information.
- Temporary suspension of the person's access to the complaints system.

The complainant will also be informed in writing of any action taken and how long the action will last.

### **What is not covered by this policy and procedure?**

There are certain matters that we do not deal with through the complaints processes and stages in this procedure. These are:

- Something that a complainant knew about more than 12 months before it was raised with us.
- Complaints that have previously been dealt with through all stage of the complaints procedure identified in this policy.
- Requests for information under the Freedom of Information Act (2000) or Data Protection Act (1998)

- Matters which have a right of appeal or have already gone or could go to, a court, tribunal, or Government Minister.
- Staff grievance or disciplinary procedures; these matters should be dealt with through the relevant HR procedures.

These issues can still be referred to the school, however, will be addressed under the relevant statutory guidance.

- Complaints in relation to the following issues should be made to the Local Authority:
  - The provision of religious education and collective worship (with the exception of church aided schools).
  - School admission appeals.
  - Exclusions.
  - Special educational needs assessments.
  - Child protection issues and allegations of child abuse.

These are specifically concerns about areas where the authority has a statutory duty. Complaints relating to these issues should be referred to:

Customer Liaison Team  
Knowsley Metropolitan Borough Council  
Archway Road  
Huyton  
L36 9UX

Tel: 0151 443 3231

Web: <http://www.knowsley.gov.uk>

A complaint about community facilities or services provided by any third party through the school premises or using school facilities should be addressed to the third party provider who will have their own complaints procedure. Copies of the complaints procedure for any third party provider are available directly from the provider.

The Governing Body will monitor the level and nature of complaints and review the outcomes on a termly and annual basis to ensure the effectiveness of the procedure and make changes where necessary. The monitoring and review of complaints by the school and the Governing Body are seen as useful tools in evaluating a school's performance. Please note that information shared with the Governing Body about complaints will be anonymised.

## Complaints Procedure

Malvern Primary School respects the views of any complainant and if you express a difficulty in discussing the complaint with a particular member of staff the complaints coordinator will refer the complaint to another member of staff if required.

Where the concern involves any child protection issue, the Headteacher will inform the Local Authority Designated Officer (LADO) and social care team.

Complaints can be made formally in a number of ways; these are shown in Appendix 1. If you have difficulty expressing yourself in writing, the school will be able to tell you where you can get independent assistance to support your complaint.

The stages in the complaints process are shown below:

### **Informal Stage: Complaint Reviewed Directly with the Relevant Teacher**

The vast majority of concerns can be resolved informally; there are many occasions where the appropriate teacher, member of office staff, or the Headteacher, can resolve concerns straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage and it is important to us that you (the complainant) feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing in the first instance.

### **Formal Stage**

#### **Stage One: Complaint Investigated by Member of Staff**

The school will acknowledge receipt of the complaint within 5 school days and the member of staff investigating the complaint may if necessary; contact you to discuss and clarify any concerns. This may be by telephone, letter or more formally in a meeting.

If you are invited to a meeting as part of the investigation, you can bring a friend, family member or advocate if you wish to, the school should also provide details of interpreting and other support services if required.

The Member of Staff will have another member of staff present in any meetings as part of the investigation to record the notes of the meeting. You should be provided with a copy of any notes made in the meeting with you. If, as part of the process, it is necessary to interview pupils, this will be done in the presence of another member of staff, or in the case of serious complaints in the presence of parents/carers.

The complaint should be investigated and the outcome communicated to you in writing within 10 school days, if this is not possible, the school will let you know the reasons why

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and when you can expect to receive a response. Where it is deemed necessary to apply an extension to the investigation period this will be communicated to you as soon as possible and prior to the end of the initial 10 day period from the date that the complaint was made.

On conclusion of the complaint investigation, if you remain dissatisfied with the outcome of the investigation into your complaint you should write to the Headteacher within 10 school days asking for your complaint to be investigated at stage two.

### **Stage Two: Complaint Investigated by Headteacher/Senior Teacher**

The school will acknowledge receipt of your complaint within 5 school days and the Headteacher/Senior Teacher may if necessary; contact you to discuss and clarify your concerns. This may be by telephone, letter or more formally in a meeting.

If you are invited to a meeting, you can bring a friend, family member or advocate if you wish, the school may also be able to provide details of interpreting and other support services if required. The Headteacher/Senior Teacher will have another member of staff present to record the notes of the meeting. You will be provided with a copy of any notes made as part of the complaints process. If, as part of the process, it is necessary to interview pupils, this will be done in the presence of another member of staff, or in the case of serious complaints in the presence of parents/carers.

Our aim is to provide a written response within 10 school days, however, this may not be possible where the complaint is complicated, therefore, to allow for a full investigation to be carried out a further 10 days may be required. Where it is deemed necessary to apply an extension to the investigation period this will be communicated to you as soon as possible and prior to the end of the initial 10 day period from the date that the complaint was made.

If you remain dissatisfied with the outcome of the investigation into your complaint you should write to the Chair of Governors within 10 school days asking for your complaint to be investigated at stage three.

### **Stage Three: Complaint Heard by the Governing Body's Complaints Hearing Panel**

The school will acknowledge receipt of your complaint within 5 school days and the Chair of Governors or his/her nominated representative may if necessary; contact you to discuss and clarify your concerns. This may be by telephone, letter or more formally in a meeting.

The Chair of Governors can offer mediation as a means of resolving the complaint. Mediation can be facilitated by a nominated representative of the Chair of Governors including an external agency if appropriate. If the matter cannot be resolved through mediation, the Chair of Governors will arrange for the complaints hearing panel to be convened.



The committee will be made up of 3 or 5 governors who have no previous involvement with the complaint, one of whom will chair the hearing.

A clerk, appointed by the Chair of Governors will be responsible for convening the hearing. The Clerk will write to you, the Governing body hearing panel, Headteacher /senior teacher and any witnesses with the date, time and location of the hearing, giving a minimum of 5 school days notice. All documents to be considered by the panel will be sent to you, the headteacher/senior teacher and the governing body hearing panel 5 school days prior to the hearing date. Please note witnesses will only be able to attend for the part of the hearing in which he/she gives evidence. You will also be notified of your right to have a friend, family member, advocate or interpreter present if you wish. The Chair of Governors will ensure that minutes are taken at the hearing.

The panel will usually be convened within 20 school days of receiving the letter. If this is not possible the clerk will contact you and explain the reasons why and when you can expect the hearing to be.

The meeting will allow:

- You to explain your complaint and the Headteacher/senior teacher to explain the school's response.
- Witnesses to be brought by you (the complainant) or Headteacher/senior teacher.
- You, the Headteacher/senior teacher to ask questions of each other and any witnesses.
- The hearing panel to ask questions of you, the headteacher/senior teacher and witnesses.
- You and the Headteacher/senior teacher to summarise your cases.

A written response detailing the decisions, recommendations and the basis on which these have been made will be sent to you and the Headteacher/nominated senior representative within 5 school days of the meeting.

If you remain dissatisfied with the outcome of the hearing panel and feel that the governing body panel has acted unreasonably about your concerns, you can write to the Secretary of State for Education. You will need to list the steps you have already taken and provide the responses you have received:

The Secretary of State Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

You can also access the online form here: [www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school).

**Malvern Primary School**

**School Complaints Form**

Please complete and return to Mrs Ruth Mylett who will acknowledge receipt and explain what action will be taken.

**Surname:** \_\_\_\_\_ **First Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

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

\_\_\_\_\_ **Postcode:** \_\_\_\_\_

**Preferred Telephone Contact:**

**Home Tel:** \_\_\_\_\_ **Work Tel:** \_\_\_\_\_

**Mobile:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Pupil's Name (if applicable):** \_\_\_\_\_

**Your relationship to pupil (if applicable):** \_\_\_\_\_

**1. Please give details of your complaint: (continue on a separate sheet if necessary)**

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**2. What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response?)**

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

**4. Are you attaching any paperwork? If so, please give details.**

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

This form can be submitted:

- By email to Malvern.de@knowsley.gov.uk
- By post to: Mrs Ruth Mylett, School Business Manager, Malvern Primary School, Willoughby Road, Broadgreen, L14 6XA

**OFFICIAL USE**

Date Acknowledgement Sent: \_\_\_\_\_

Acknowledgement Sent by who: \_\_\_\_\_

Complaint Referred to: \_\_\_\_\_

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

