

MAGDALEN COLLEGE SCHOOL

COMPLAINTS POLICY AND PROCEDURE Statutory Policy (Biennial Review)

GOVERNORS' PERSONNEL COMMITTEE

Date next due for review by committee	Reviewed by committee	Any Changes YES/NO	Approved by Full Governors
16 June 2015	16 June 2015	New draft policy	7 July 2015
June 2016	7 June 2016	Yes	Ratified by committee
June 2018			

PART 1 - COMPLAINTS POLICY

INTRODUCTION

1. This policy will apply to most general complaints received by the school. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.
2. The procedure in Part 2 will apply to all members of the school community including staff, students, parents and members of the public.
3. Complaints about delivery of the National Curriculum and the provision of religious education and collective worship will be handled under the requirements of Section 409 of the Education Act 1996.
4. Separate procedures also exist for appeals about special needs assessments and school admissions and exclusions. (See the SEN Code of Practice and School Admissions Code of Practice).
5. Concerns about allegations of child abuse and staff discipline must be dealt with through the separate agreed procedures that have been adopted for these purposes. (See Professionals and Child Protection Procedures and Practice and the DfES document *Safeguarding Children in Education: Dealing With Allegations of Abuse Against Teachers and Other Staff*, Ref: DfES/2044/2005).
6. Guidance on dealing with complaints linked to racism is contained in Annex B.

GENERAL PRINCIPLES

- The resolution of a complaint provides the potential opportunity for the school to improve its practice and develop further a strong partnership with parents.
- The complaints procedure will be easily accessible and well publicised, so that parents know how to raise concerns.
- It is desirable for any concern/complaint to be addressed by a member of staff / governor at a level closest to the cause for the concern.
- Procedures will be carried out as speedily as possible, consistent with fairness to all.

- A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They will be offered support in responding to any investigation into a complaint.
- If it becomes apparent to the headteacher or chair of governors that the parent's concern/complaint has the potential to be a disciplinary issue, advice will immediately be sought from the school's HR Adviser
- Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties involved should realise that some information may have to be shared to carry out a thorough investigation.
- If the investigation of a complaint shows that it is justified, then the school will consider how to make amends in an appropriate way.
- Staff and governors in the school will have the opportunity to take part in training or briefing to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.
- All complaints will be recorded and monitored to identify issues and allow any lessons to be learned by the school.

PART 2 - COMPLAINTS PROCEDURE

The complaints procedure has three stages

Stage 1. Initial Approach

Stage 2. Formal Complaint to Headteacher or Chair of Governors

Stage 3. Appeal to Governor Panel

Stage 1 - INITIAL APPROACH

GUIDELINES

- The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher, pastoral or faculty leader or senior staff.
- The school will aim to ensure that parents feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent.
- Parents may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with school staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.

PROCEDURE

1. Parents will have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion will aim to clarify the nature of the parent's concern and assure them that the school wishes to hear about it. The discussion will also aim to clarify what kind of outcome the parent is seeking.
2. If the member of staff first contacted cannot deal with the matter immediately, he/she will make a firm arrangement to deal with it at a future date or refer the matter to the headteacher or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant will be taken. The first contact will check to make sure the referral has been successful.
3. The headteacher will ensure that staff have guidelines about when to refer a matter and who to.

4. If the concern relates to the headteacher and the parent feels unable to raise it with the headteacher they will be advised to contact the chair of governors.
5. The staff member/headteacher dealing with the complaint will make sure that the complainant is clear about what will happen next (if anything). This will be put in writing if it seems the best way of making the next steps or outcome clear.
6. If no satisfactory solution has been found, the complainant will be informed about how they will proceed if they wish to take their complaint further. They will be informed of any advice and support that may be available to them.

Stage 2 - FORMAL COMPLAINT TO HEADTEACHER OR CHAIR OF GOVERNORS

GUIDELINES

- The headteacher needs to determine who has responsibility for responding to a formal complaint, including the decision about his/her own involvement at various stages.
- If the complainant is dissatisfied with the action of the headteacher, or the headteacher has been very closely involved informally, the chair of governors will carry out all the Stage Two procedures, with support if necessary from another governor.
- Individuals on the governing body should not become involved at this stage to avoid prejudicing their possible future involvement.

PROCEDURE

1. Parents who wish to pursue a formal complaint at Stage Two will be asked to put the complaint and their desired outcome in writing to the chair of governors or headteacher. The chair of governors / headteacher (or designated member of staff) will acknowledge the complaint orally or in writing within three days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this will be within ten days. If it is not possible to deal with the matter in this time, the complainant will be informed of when it is likely to be concluded.
2. The chair of governors / headteacher (or a designated member of staff) may offer an opportunity for the complainant to meet him/her. The complainant will, if he/she wishes, be allowed to be accompanied by a friend or relative

- who can speak on his/her behalf. Interpreting facilities will be made available if required.
3. If necessary, the chair of governors / headteacher (or a designated member of staff) will interview any witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also be interviewed, normally with parent/guardian present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the pupil feels comfortable will attend with him/her. If a member of staff is complained against, the needs of that person will be borne in mind. Advice may need to be sought from the school's HR adviser.
 4. The chair of governors / headteacher (or designated member of staff) will keep written records of meetings, telephone conversations and other documentation.
 5. Once all the relevant facts have been established, the chair of governors / headteacher (or designated member of staff) will either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting will be followed up with a letter summarising the outcome of the meeting. The complainant will be advised in this letter that if they remain unhappy with the outcome, he/she may appeal to a panel of governors. The complainant should notify the chair of governors within two weeks of receiving the letter detailing the outcome of the complaint.
 6. Records of the complaint are kept in accordance with the Retention Schedule for Schools, as published in the IRMS Information Management Toolkit for Schools.

Stage 3 – APPEAL TO PANEL

GUIDELINES

- The aim of the appeal to a panel is to resolve the complaint and achieve a reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.
- The panel will comprise a minimum of 3 people, one of whom will be independent of the school; the remaining panel members will be drawn from the governing body and will exclude staff governors.
- It is important should a complaint reach the appeal stage, that the governing body is impartial and independent and is seen to be so. Individual complaints should not be considered by the full governing body. The governing body

should therefore establish a panel to deal with complaints, drawing from the full governing body, excluding staff governors.

- Panel members should have had no prior involvement with the complaint. Generally, the chair of governors is not on the panel as he/she may be involved at the earlier stage. The governing body will have regard to the advantages of having a mix of types of governor on the panel and be sensitive to issues of equal opportunity in the composition of the panel.
- Individual governors should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints, they should refer the complainant to the schools complaints procedure, making the necessary introduction to a member of staff or headteacher if appropriate.
- Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the panel to view any complaint as being against the school rather than an individual staff member whose actions may have lead to the original complaint.
- Parents have a right to be accompanied to the hearing and should be notified of this right.

PROCEDURE

Upon receipt of a written request from the complainant for the complaint to proceed to Stage Three, the following procedure will be followed:

- 1) A suitable clerk to the panel will be appointed
- 2) The clerk will write acknowledging receipt of the written request, informing the complainant that it will be heard by a panel within 15 working days of receipt.
- 3) The clerk will convene a meeting of the complaints panel at a time which is convenient for the complainant and the school.
- 4) The clerk will ensure that the complainant, headteacher and any other witnesses are given at least five working days' notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant will also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The chair will ensure that interpretation facilities are offered and made available if required. The letter will set out the procedure for the conduct of the hearing (see annex A) and the complainant's right to submit further written evidence to the panel.

- 5) The clerk will invite the headteacher to attend the hearing and to submit a written report for the panel in response to the complaint. The headteacher may also invite the chair of governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff will be at the discretion of the chair of the panel.
- 6) All relevant documents will be received by all parties, (including the complainant) at least five calendar working days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
- 7) An Education Officer or member of Governor Services may be invited to attend the meeting to advise the panel.
- 8) The panel will elect a chairperson who will ensure that proper minutes of the meeting are taken.
- 9) The chair of the panel will try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.
- 10) At the conclusion of the representations and questions, the chair will explain that the panel will consider the issues and write to both parties with their decision or judgement within 5 working days.
- 11) All except for the panel and any advisers will then withdraw and the panel will consider the evidence. This will include: a judgement about the validity of the complaint; appropriate action to be taken by the school and/or the parent and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
- 12) The panel may make findings and recommendations, and a copy of those findings must be:
 - a) Provided to the complainant and, where relevant, the person complained about; and
 - b) Be made available for inspection on the school premises by the proprietor and the headteacher.
13. The school will ensure that a copy of all correspondence and notes is kept confidentially on file in the school. This will be separate from pupils' personal records. Written records will include:
 - 13.1. Whether the complaint has been resolved following a formal procedure, or has proceeded to a panel hearing; and
 - 13.2. The action taken by the school as a result of those complaints (regardless of whether it is upheld).

14. Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act request access to them.
- 13) The broad outcomes recommended by the panel can be reported to the next full governing body or appropriate panel with the identity of all those taking part kept confidential. The governing body should monitor implementation of any recommendations made.

STAGE 4 – REFERRAL TO THE EDUCATION FUNDING AGENCY (EFA)

The role of the EFA

If a complaint comes to the EFA they will check whether the complaint has been dealt with properly by the academy. They will consider complaints about academies that fall into any of the following three areas:

- 1) Where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint
- 2) Where the academy is in breach of its funding agreement with the Secretary of State
- 3) Where an academy has failed to comply with any other legal obligation.

The EFA will not overturn an academy's decision about a complaint. However, if they find an academy did not deal with a complaint properly they will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

If the academy's complaints procedure does not meet the Regulations, they will ask the academy to put this right. They may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State, if appropriate.

If the complainant is unhappy with the handling of their complaint they should refer their complaint to the Educational Funding Agency via https://form.education.gov.uk/fform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

Stage 5 - REFERRAL TO THE SECRETARY OF STATE FOR EDUCATION

The final stage of the appeal is to the Secretary of State for Education.

Complainants should write to The School Complaints Unit (SCU) at;
Department for Education
2nd Floor, Piccadilly Gate
Manchester
M1 2WD

THE ROLE OF OFSTED

Where there are general concerns about a school, parents and carers can contact Ofsted. Whilst Ofsted will not investigate complaints about an individual child, they may choose to look into any matters drawn to their attention such as:

- The quality of education provision
- The safety or well-being of children attending the school

Ofsted would normally expect parents and carers to pursue complaints through the school's complaints procedure before contacting them. Should parents or carers wish to draw their concerns to the attention of Ofsted they will contact:

Enquiries,
National Business Unit
Ofsted
5th, 6th & 7th Floors
Piccadilly Gate
Store Street
Manchester
M1 2WD

Tel: 0300 1234 234

Email: enquiries@ofsted.gov.uk

ANNEX A

Model Procedure for the Conduct of a Stage 3 Governors Panel Hearing

1. The chair of the panel will invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The chair will explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The chair will then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines:
 - i. The complainant describes his/her complaint and may call witnesses.
 - ii. The headteacher may seek clarification from the complainant and any witnesses.
 - iii. The governors' panel or its advisers may seek clarification from the complainant and any witnesses.
 - iv. The headteacher will respond to the complaint and may call witnesses.
 - v. The complainant may seek clarification from the headteacher and any witnesses.
 - vi. The governors' panel (including any Advisers) may seek clarification from the headteacher and any witnesses.
 - vii. The headteacher will be given the opportunity to sum up.
 - viii. The complainant will be given the opportunity to sum up.
 - ix. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
4. The panel will make a decision or judgement on:-
the validity of the complaint; appropriate action to be taken by the school and/or parent and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement will be confirmed in writing within 5 working days.

NB If there is more than one complainant this procedure will be followed for each one in turn, unless the complainants agree to the complaint being heard with all present in one sitting.

ANNEX B

Dealing with Complaints about Racism in Schools

1. Racist Behaviour to a Child or Student
The procedures to be followed are contained in the Schools Service's guidance "Notification of Racist Incidents"
2. Racist Incident Alleged Against School Staff
 - i. The report/complaint will be made to the head teacher, or if the Head Teacher is the subject of the report/complaint, to the Chair of Governors;
 - ii. As racism is a disciplinary offence, the normal disciplinary procedures are followed.
3. Institutional Racism
Parents who perceive that racist practice or policies are operated by the school should pursue these through the General Complaints Procedure.