

# MAGDALEN COLLEGE SCHOOL

## COMPLAINTS POLICY AND PROCEDURE

Statutory Policy (Biennial Review)

### GOVERNORS' PERSONNEL COMMITTEE

| <b>Date next due for review by committee</b> | <b>Reviewed by committee</b> | <b>Any Changes YES/NO</b> | <b>Approved by Full Governors</b> |
|--|------------------------------|---------------------------|-----------------------------------|
| 16 June 2015                                 | 16 June 2015                 | New draft policy          | 7 July 2015                       |
| June 2016                                    | 7 June 2016                  | Yes                       | Ratified by committee             |
| June 2018                                    | 13 November 2018             | No                        | N/a                               |
| June 2020                                    | 12 November 2019             | Yes                       | 2 December 2019                   |
| November 2021                                | 15 November 2021             | Yes                       | 15 November 2021                  |
| November 2023                                | 1 November 2022 (FGB)        | Yes                       | 1 November 2022                   |
| November 2024                                |                              |                           |                                   |
|  |                              |                           |                                   |

# **MAGDALEN COLLEGE SCHOOL**

## **COMPLAINTS POLICY AND PROCEDURE**

### ***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 Magdalen College 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. Magdalen College 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 headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, The Headteacher 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, Magdalen College School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### ***How to raise a concern or make a complaint***

A concern or complaint should be made using the form contained in this policy. Complaints will be considered once this completed form has been received by the school. If you require help in completing the form or are unable to do so, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via [head@magdalen.northants.sch.uk](mailto:head@magdalen.northants.sch.uk). Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to the Chair of Governors, via the school office or email the clerk at [governors@magdalen.northants.sch.uk](mailto:governors@magdalen.northants.sch.uk). Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office or email the clerk at [governors@magdalen.northants.sch.uk](mailto:governors@magdalen.northants.sch.uk). Please mark them as Private and Confidential.

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

### ***Anonymous complaints***

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

### ***Conduct of complainant***

***During the*** complaints process it is expected that all parties will behave respectfully and appropriately towards each other. Complainants agree that they will not use social media to air their grievance during the process or share details about what is a confidential matter under the Education (Independent School standards) Regulations 2014.

### ***Time scales***

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 these incidents. We will consider complaints made outside of this time frame 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.

### **Scope of this Complaints Procedure**

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

| <b>Exceptions</b>  | <b>Who to contact</b>   |
|--|---|
| • Admissions to schools                                      | Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with <a href="mailto:admissions.ncc(a)northnorthants.gov.uk">admissions.ncc(a)northnorthants.gov.uk</a>   |
| • Matters likely to require a Child Protection Investigation | <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).<br/><a href="https://www.northamptonshire.gov.uk/councilservices/children-families-education/SEND/local-offer/local-government-department/2459-early-help-support-multi-agency-safeguarding-hub-mash-and-child-protection-team">https://www.northamptonshire.gov.uk/councilservices/children-families-education/SEND/local-offer/local-government-department/2459-early-help-support-multi-agency-safeguarding-hub-mash-and-child-protection-team</a></p> |
| • Exclusion of children from school*                         | <p>Further information about raising concerns about exclusion can be found at: <a href="http://www.aov.uk/school-discipline-exclusions/exclusions">www.aov.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. &lt;Unk to school behaviour policy&gt;.</i></p>   |
| • Whistleblowing   | <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="https://www.gov.uk/contact-dfe">https://www.gov.uk/contact-dfe</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>  |
| • Staff grievances   | Complaints from staff will be dealt with under the school's internal grievance procedures.  |
| • Staff conduct  | <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>  |

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 Magdalen College 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, Magdalen College 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 during any of the stages, they will be asked to confirm this in writing. Where a complainant does not escalate a complaint in accordance with the timescales set out in this policy, the complaint will be regarded as withdrawn.

## **Stage 1 - Informal Stage**

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher, year head / subject head or head teacher.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the

complaint will provide an informal written response within 15 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

## 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. 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.
5. 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

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone. Notification of escalation to a formal complaint must take place within 10 school days of receiving the stage 1 outcome.

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 3 school days.

Within this response, the head teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would

like to see. The head teacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The head teacher 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 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
- provide an outcome of their investigation to the headteacher.

At the conclusion of the 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 the school will take to resolve the complaint.

The head teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.

Complaints about the headteacher or member of the governing body must be made to the clerk at [governors@maqdalen.northants.sch.uk](mailto:governors@maqdalen.northants.sch.uk) , or via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

## Stage 3 - Panel Hearing

If the complainant is dissatisfied with the outcome at stage 2 and wishes to take the matter further, they can escalate the complaint to stage 3 - a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. Stage 3 is not a re-hearing of the complaint. The purpose of the stage 3 panel is to consider any allegations that the process at stage 2 was not fair or appropriate. This may be because for example a key witness was not interviewed or important evidence was not available at the time of the investigation. The panel will not reconsider the outcome simply on the basis that it was not the outcome that the complainant was seeking. Stage 3 is the final stage of the school complaints procedure.

A request to escalate to stage 3 must be made to the clerk, via the school office or email the clerk at [governors@magdalen.northants.sch.uk](mailto:governors@magdalen.northants.sch.uk) within 5 school days of receipt of the stage 2 response. The request should set out the reasons why the stage 2 outcome is flawed and provide evidence to support the allegation. It should also set out the outcome that is being looked for.

The clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

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

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 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.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by a completely independent committee panel.

A complainant may bring someone along to the panel meeting 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 considered.

Representatives from the media are not permitted to attend.



At least 5 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.

Any written material will be circulated to all parties at least 3 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 the chair of governors with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days of the complaint being submitted at stage 3.

The letter to the complainant will include details of how to contact Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled.

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 Magdalen College School (Brackley)

will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the trustees and members of the academy trust, and the head teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## 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 ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Magdalen College School (Brackley). They will consider whether Magdalen College School (Brackley) has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

## **Complaint Form**

Please complete and return to Headteacher who will acknowledge receipt and explain what action will be taken.

**Your name:**

**Pupil's name (if relevant):**

**Your relationship to the pupil (if relevant):**

**Address:**

**Postcode:**

**Day time telephone**

**number: Evening**

**telephone number: Email**

**address:**

**Please give details of your complaint, including whether you have spoken to anybody at the school about it.**

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement**

**sent: By who:**

**Complaint referred to:**

**Action taken:**

**Date:**

## **Roles and Responsibilities 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.

## **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

## **The investigator should:**

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints

committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**Complaints Co-ordinator** (this could be the headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

## **Committee Chair**

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

## **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve



reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint.

Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.