



## **Moordown St John's Church of England Primary School**

# **Policy and Procedures for Complaints**

**“A Christian community where commitment  
to educational excellence changes lives”**

Date ratified by Board of Directors: 19 October 2019

Review Date: October 2020

A copy of this policy in an alternative format, such as large print or different language,  
may be provided on request from the school office.

# MOORDOWN ST JOHN'S CHURCH OF ENGLAND PRIMARY SCHOOL

## POLICY AND PROCEDURES FOR COMPLAINTS

### Our Ethos and Vision

*'A Christian Community where commitment to educational excellence changes lives'*

We are a Church of England Primary School and exist to further the work of Christ by expecting and demonstrating the Fruits of the Spirit in our day-to-day lives. The Fruits of the Spirit can be found in Galatians Chapter 5 and are love, joy, peace, patience, kindness, goodness, faithfulness, self-control and gentleness.

This fundamental truth is the essence of all that we are and all that we do.

**Be the BEST me!** At MSJ we value the whole child and aim to nurture their spiritual, cognitive, emotional and physical sides to be the BEST they can be! We aim for **Balanced** children who are spiritually self-aware and curious; children who strive for **Excellence** in their own learning; **Secure** individuals who accept themselves and grow in self-belief; and children who **Thrive** physically, making healthy choices and reach for their personal best.

**Balanced**                      **Excellence**                      **Secure**                      **Thrive**

This policy supports this important aim.

### The Legal Framework

It is a statutory requirement for all academies to have a complaints procedure in place that complies with the Education (Independent School Standards) (England) Regulations 2014, Schedule 1, Part 7.

### General Principles

- This procedure is intended to allow a pupil, parent or people who are not parents of attending pupils at the academy, to raise a concern or complaint relating to the academy, or the services that it provides. Our prospectus contains the following statement on complaints:

“We aim to provide the best possible service to parents and pupils. Should you have any concerns about school life then we ask that you share your concerns initially with your child’s class teacher, then the appropriate Key Stage leader or Deputy Head and finally the Headteacher. If your concerns cannot be satisfactorily dealt with then you can take the matter to the School Board of Directors and the Education Funding Agency. There is a leaflet in our school reception and on our website detailing our complaints procedure”
- In the event that these initial approaches fail to resolve a complaint this policy lays out the procedures that should be followed to allay any concerns about a particular issue.
- We welcome suggestions for improving our work. Be assured that, no matter what you want to tell us, our support and respect for your child will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate an incident or problem properly if it took place some time ago
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances. An ‘exceptional circumstance’ will be decided by the Headteacher and/or the Chair of Directors.
- To enable a proper investigation to take place, concerns or complaints should be brought to the attention of the academy as soon as possible. In general, any matter raised more than 3 months after the event being complained of, will not be considered, unless there are exceptional circumstances. Again an ‘exceptional circumstance’ will be decided by the Headteacher and/or the Chair of Directors.

## **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 as 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. Moordown St John's CE Primary 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, Moordown St John's CE Primary will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## **Complaints Framework**

Our Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's senior management team so that services can be improved.

## **Complaints' Coordinator**

Every academy should have a named person to receive, record and monitor complaints. For our academy this will be the Headteacher.

## **Scope of this Complaints Procedure**

This procedure covers all complaints about any provision of community facilities or services by Moordown St John's CE Primary, other than complaints that are dealt with under other statutory procedures, including those listed overleaf.

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 Bournemouth Borough 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).</p> <p>LADO: Laura Baldwin or John McLaughlin 01202 456744  MASH: 01202 735046 <a href="mailto:MASH@bcpcouncil.gov.uk">MASH@bcpcouncil.gov.uk</a></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 shaping policy can be made through the school's complaints procedure. <a href="https://www.st-johns.bournemouth.sch.uk/wp-content/uploads/2014/02/Behaviour-Relationships-Shaping-Policy-Rev-July-2020.pdf">https://www.st-johns.bournemouth.sch.uk/wp-content/uploads/2014/02/Behaviour-Relationships-Shaping-Policy-Rev-July-2020.pdf</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>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<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>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></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 Moordown St John's CE Primary 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.

### **Investigating Complaints**

At each stage the person investigating the complaint (the Complaints Coordinator) will:

- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview

### **Resolving Complaints**

At each stage in the procedure the academy will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid either in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review academy policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the academy could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### **Time Limits**

Complaints need to be considered and resolved as quickly and efficiently as possible. Our complaints procedure has realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

### **Complaints will not be considered under this procedure if:**

- You have not identified any specific actions of which you might complain.
- Your concerns are presented as conclusions rather than specific actions of which you complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.

## **Withdrawal of a Complaint**

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

## **Unreasonable persistent complaints and unreasonable complainant behaviour**

There are rare circumstances where the academy may deviate from the Complaints Procedure set out in the remainder of this policy. These include, but are not necessarily limited to:

1. Where the complainant's behaviour towards staff or panel members is unacceptable, for example, is abusive, offensive or threatening;
2. Where, because of the frequency of their contact with the academy, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the academy;
3. Where the complainant's complaint is clearly vexatious and/or has patently insufficient grounds;
4. Where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the academy.

In these circumstances, the academy may:

- a. Inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- b. Restrict the complainant's access to the academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises;
- c. Conduct the panel based on the documentary evidence only i.e. not hold a hearing;
- d. Refuse to consider the complaint and refer the complainant directly to Stage 4.

In all cases the academy will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff or panel members, the academy will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

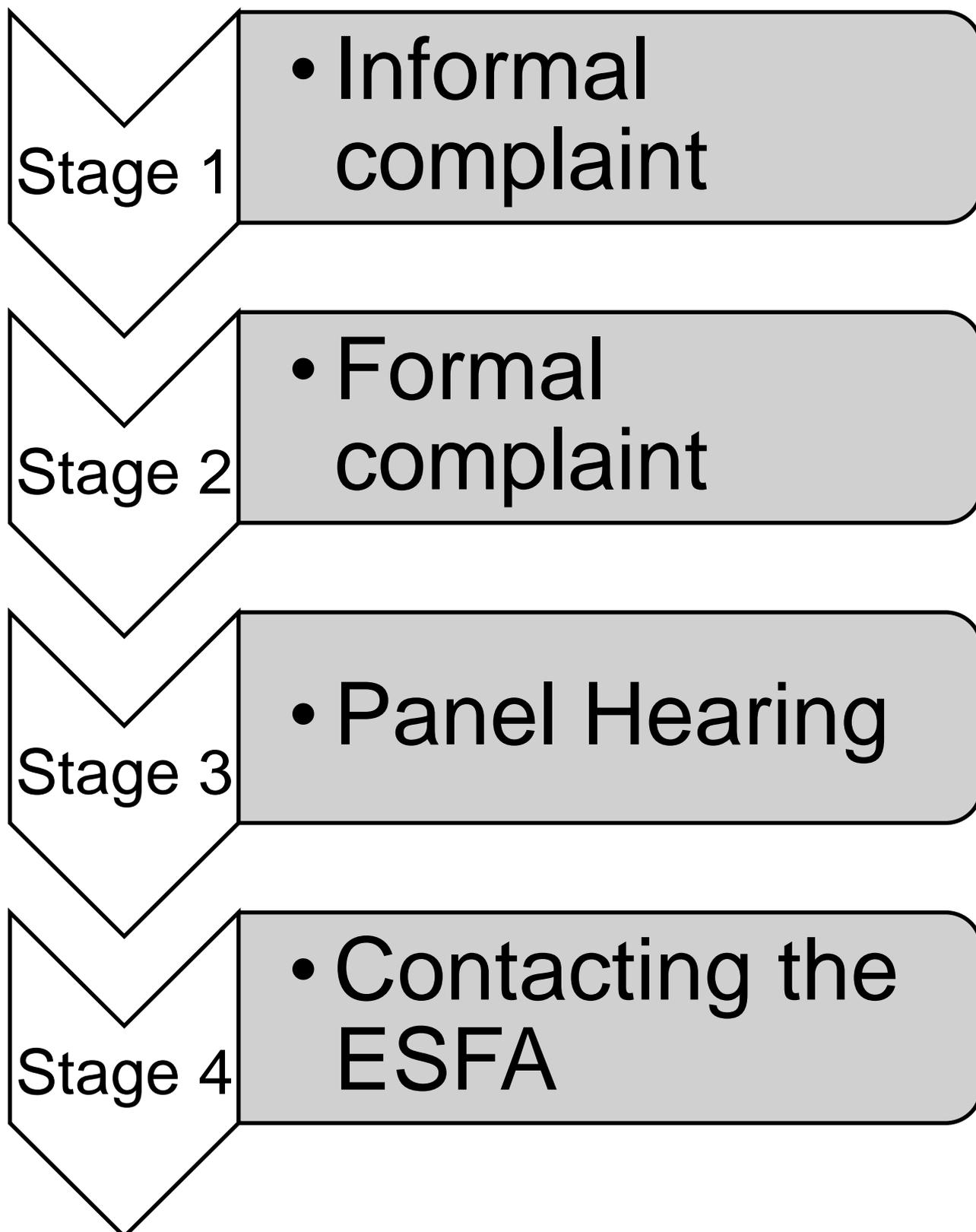
## **Additional Notes**

The academy should ensure that a copy of all correspondence and notes are kept on file in the academy's records. An Individual Record Sheet / Log of Actions form (Appendix A) should be completed by the academy detailing the complaint, the actions taken as a result of the complaint and the findings of any investigations. The Complaints' Register / Summary Log (Appendix B) will also be completed by the academy to summarise the relevant dates/actions/findings.

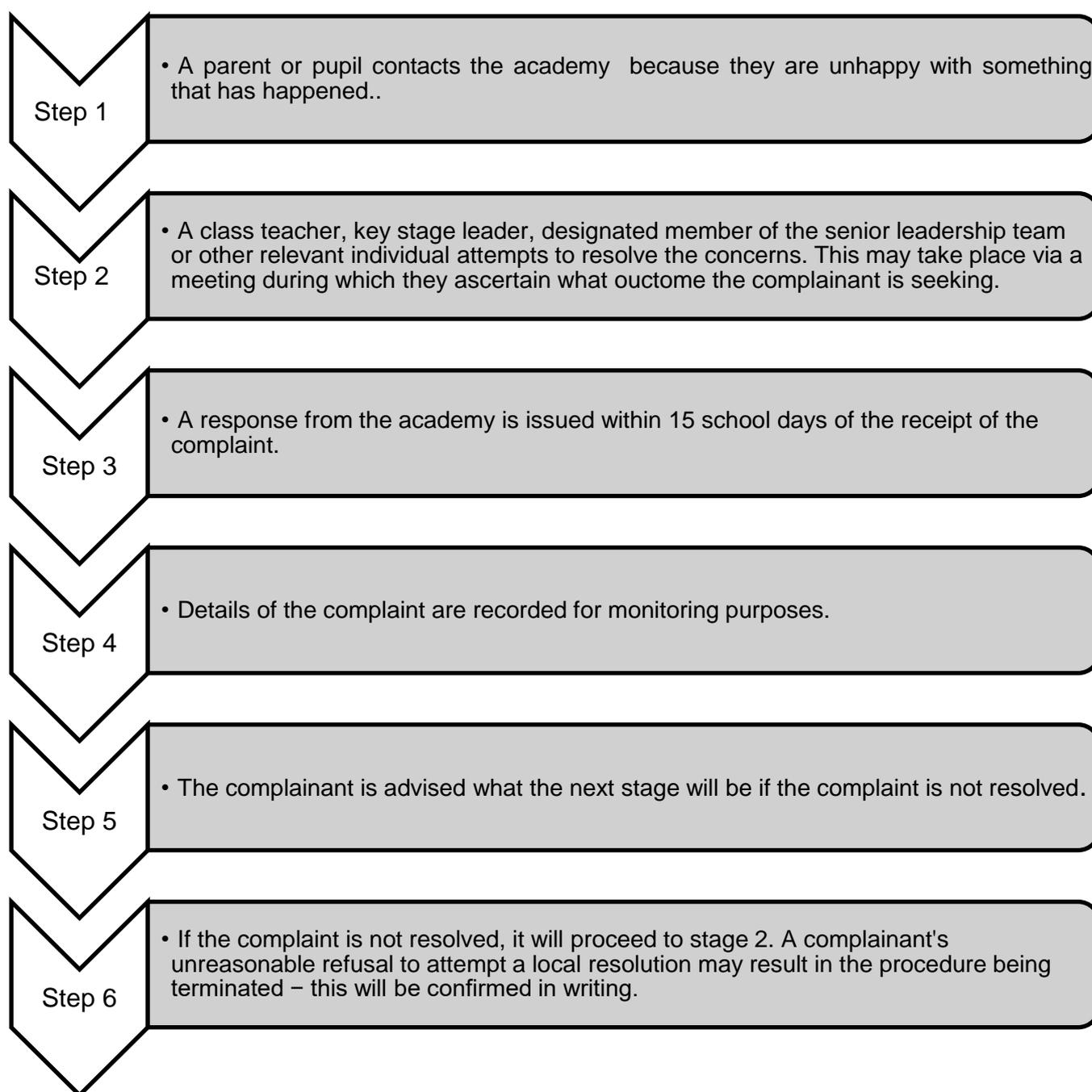
These records should be kept separately from the pupil's personal records but may, if considered appropriate by the Headteacher, be passed on to any future schools/academies that the pupil may attend i.e. in the case of an aggressive parents or bullying incident or to relevant agencies e.g. Children's Services.

Please see overleaf for an 'At-a-Glance' guide to our complaints' procedure.

## Complaints procedure at-a-glance



## Stage 1 – Informal complaint

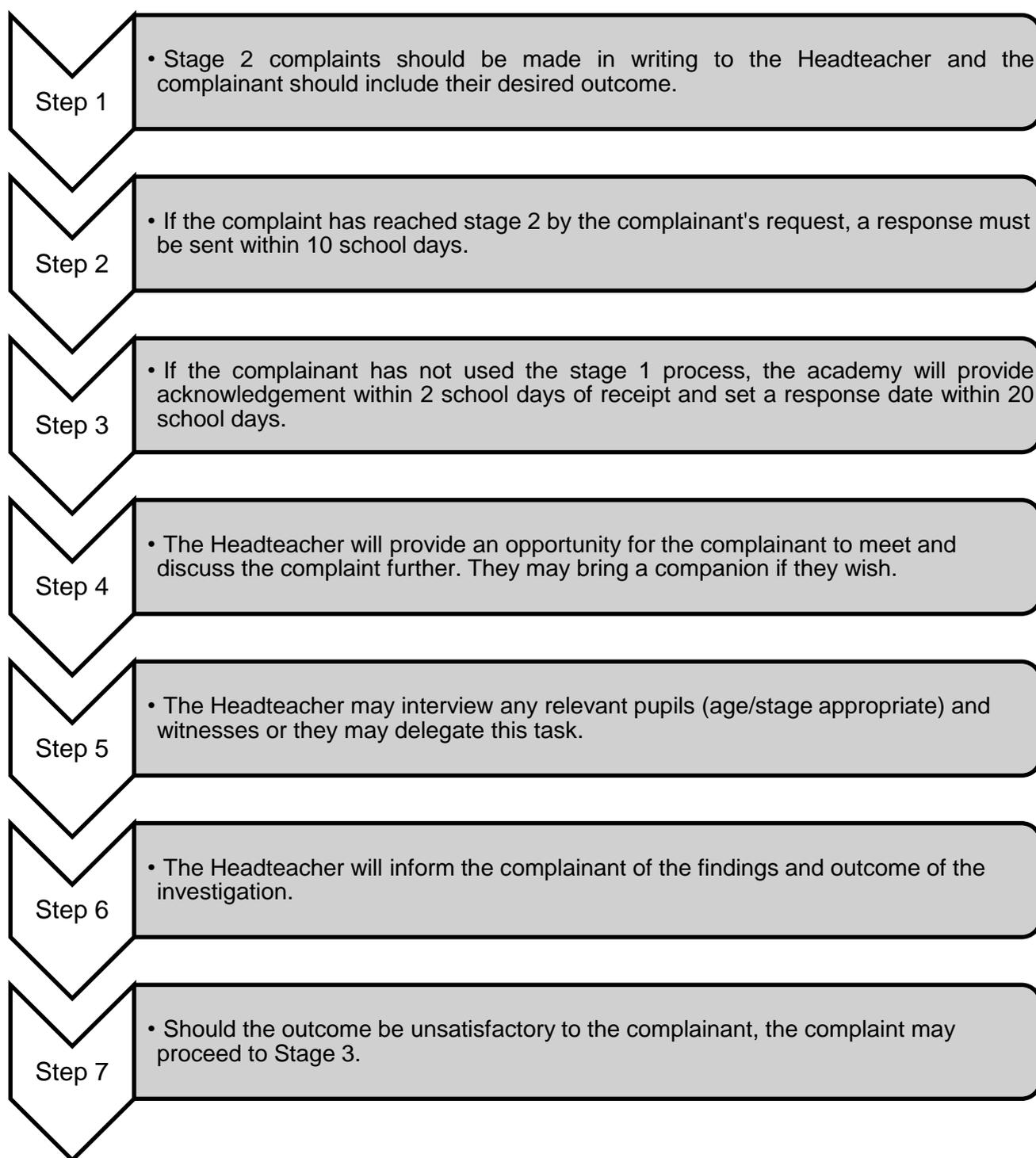


## Considerations

If the complaint is centered on a class teacher or any individual in a leadership or management role, it will be proceed directly to stage 2, as it would be inappropriate for someone other than the Headteacher or Deputy Headteacher to respond. The Headteacher can escalate the complaint to stage 2 at any time if they deem it appropriate.

Complainants will be provided with written responses where appropriate and if requested.

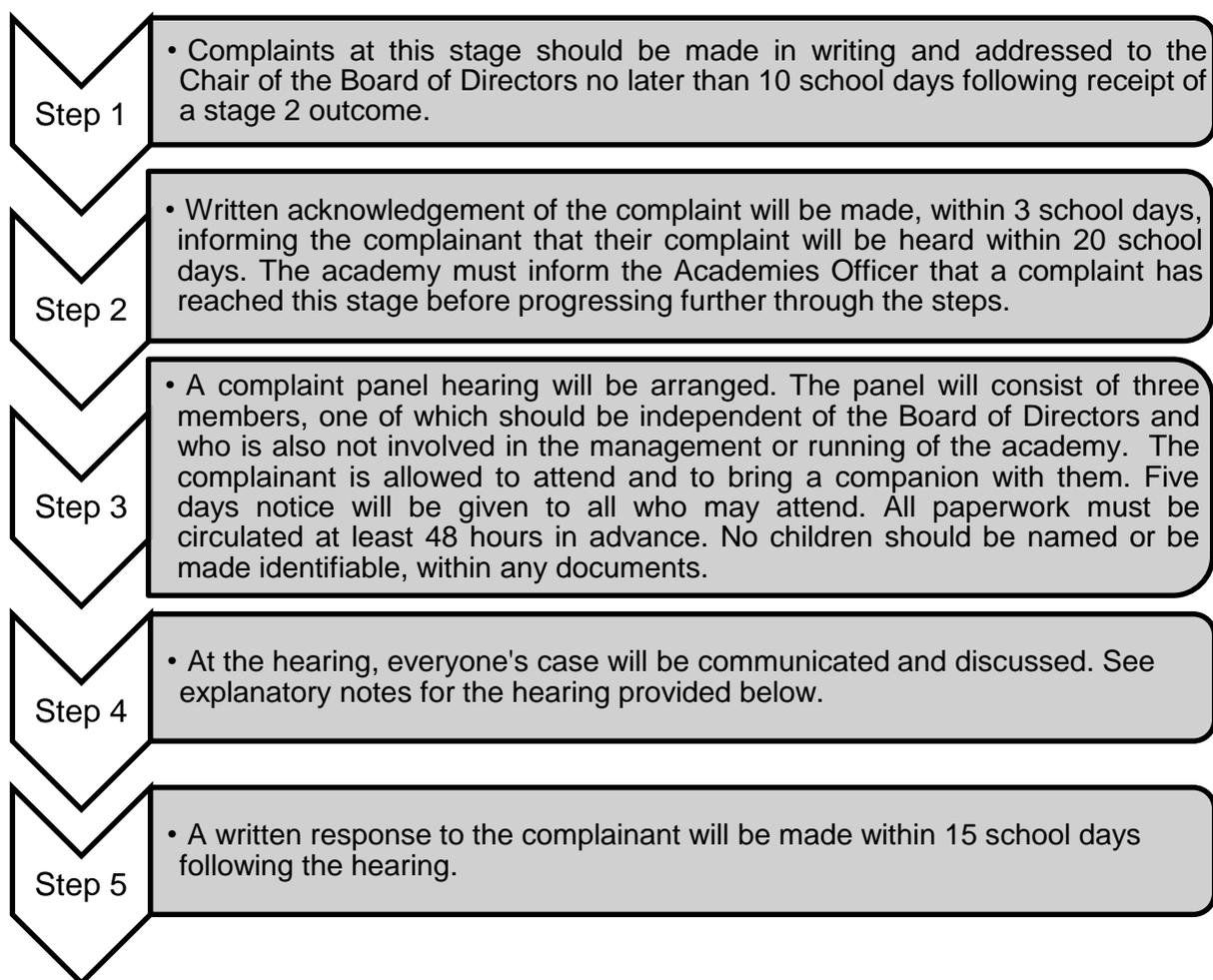
## Stage 2 – Formal complaint



## Considerations

Complaints will not be progressed to Stage 3, unless Stage 2 has been undertaken. However, should the complaint be regarding the Headteacher, it may be prudent for it to proceed directly to Stage 3 and the complaint addressed to the Chair of the Board of Directors, in place of the Headteacher.

## Stage 3 – A Panel Hearing

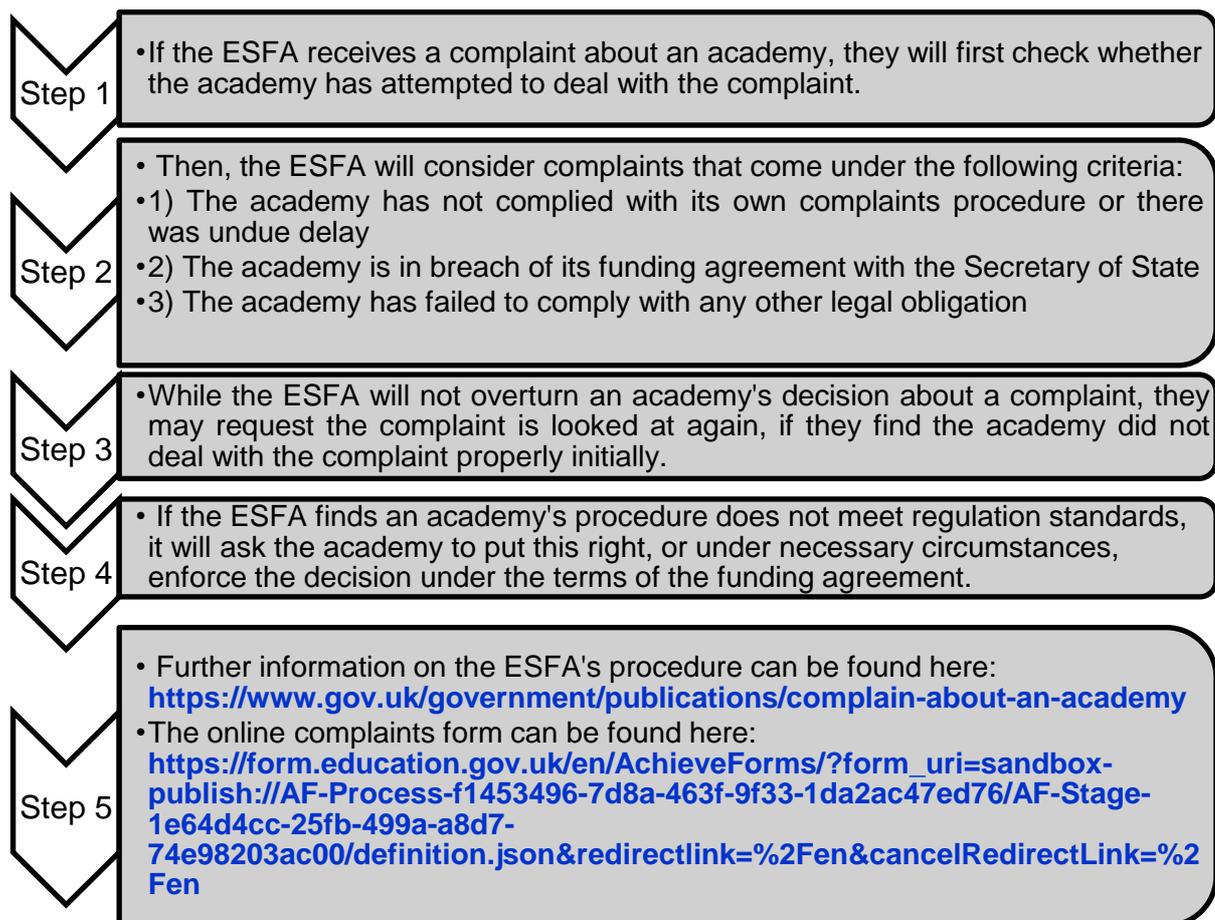


**If the complainant is not satisfied about the handling of their complaint, please see Stage 4.**

### **Explanatory notes for the hearing:**

- The complainant explains their complaint and the Headteacher explains the academy's response
- The Headteacher is able to question the complainant about the complaint and the complainant is able to question the Headteacher about the academy's response
- Panel members are provided with an opportunity to question both the complainant and the Headteacher
- Documentary evidence is considered
- Final statements may be made by both the complainant and the Headteacher
- If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence. This may result in the meeting being re-arranged and concluded on another date.
- After all evidence has been presented, the Chair of the Panel will explain to the complainant and the Headteacher that the Panel will now consider its decision, and a written decision will be sent to both parties within 15 school days.
- The Panel will: (a) reach a unanimous, or at least a majority, decision on the complaint and (b) decide upon the appropriate action to be taken to resolve the complaint and (c) where appropriate, suggest recommended changes to the academy's systems or procedures to ensure that problems of a similar nature do not arise again.

## Stage 4 – Contacting the Education and Skills Funding Agency (ESFA)



### Policy Review

This policy was carefully considered and ratified by the Board of Directors at its meeting on 17 October 2019.

This policy will be reviewed on an annual basis, with the next review taking place during October 2022. However, this will be brought forward, should changes in protocol be recommended by the Education and Skills Funding Agency, the Department for Education or the Diocese.

Signed:

**Chair, Board of Directors**

Date: 17 October 2019

**MOORDOWN ST JOHN'S CHURCH OF ENGLAND PRIMARY SCHOOL**

**Appendix A – Complaints' Procedure: Individual Record Sheet / Log of Actions**

ACADEMIC YEAR 20 / 20		Ref No:
Date	Details / Activity / Actions	

Ref No	Complainant's Name	Brief summary of complaint <i>Full details on complaints' record sheet</i>	Stage	Dates			Resolved?	Brief summary of actions/ findings/further details	Date closed
				Stage Commenced	Acknowledgement issued	Response/ findings issued			
			1 Informal				YES / NO		
			2 Formal				YES / NO		
			3 Panel				YES / NO	Referred to ESFA? YES / NO	
			1 Informal				YES / NO		
			2 Formal				YES / NO		
			3 Panel				YES / NO	Referred to ESFA? YES / NO	
			1 Informal				YES / NO		
			2 Formal				YES / NO		
			3 Panel				YES / NO	Referred to ESFA? YES / NO	

