



Morden Mount Primary School

COMPLAINTS PROCEDURE

Approved by:

Morden Mount Primary School Governing Body 25th September 2018

Next review:
(every 2 years)

September 2020



MORDEN MOUNT PRIMARY SCHOOL

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I Our School Values



Our children are confident learners, they work hard to succeed with every challenge.



Our children show respect for themselves and other people in our community, our country and our world.



Our children love learning and are keen to learn in our school, at home and in the future.



Our children have strong core skills in communication (reading, writing, speaking and computing), mathematics and have a good understanding of topics across the whole curriculum.



Our children are confident to share their views, listen to other people's ideas and opinions and make decisions that help everyone achieve.

All of our staff in our school are focused on ensuring that our work with pupils is of the highest possible standard and achieves our stated values. At times, parents and carers may wish to discuss aspects of the school's work, or may wish to comment about their child's welfare or academic progress. These comments will help the school evaluate our work and ensure that we provide the best possible education for our whole school community.

THIS DOCUMENT IS BASED ON GUIDANCE FROM THE DFE – Best Practice Advice for School Complaints Procedures 2016.

If parents and carers have a specific concern or complaint, they should follow the procedure below:

- | | | |
|-----------------------------|-------------|---|
| | Step One: | Meet with class teacher after school |
| <i>if not resolved then</i> | Step Two: | Meet with the Head of School |
| <i>if not resolved then</i> | Step Three: | Meet with Executive Headteacher |
| <i>if not resolved then</i> | Step Four: | Meet with a Governor (usually the chair) |
| <i>if not resolved then</i> | Step Five: | A Governing Body Complaints Panel is convened |

Note: If the complaint is about the Executive Headteacher then step three is omitted.

2 Complaints linked to SEND provision

If a complaint is linked to aspects of our school's work linked to special educational needs and disabilities then the process follows the same steps as given in section one with an additional step:

FOR SEN PROVISION

If parents and carers have a specific concern or complaint, they should follow the procedure below:

- | | | |
|-----------------------------|-------------|---|
| | Step One: | Meet with special educational needs coordinator |
| <i>if not resolved then</i> | Step Two: | Meet with the Head of School |
| <i>if not resolved then</i> | Step Three: | Meet with the Executive Headteacher |
| <i>if not resolved then</i> | Step Four: | Meet with a Governor (usually the SEN governor) |
| <i>if not resolved then</i> | Step Six: | A Governing Body Complaints Panel is convened |

Note: If the complaint is about the Executive Headteacher then step three is omitted.

3 Sharing this policy

It is important that all members of our school community are aware of this policy so that they feel able to raise concerns if they arise.

To do this we will:

- share this policy in welcome packs that are given to families when they start our school;
- publish this policy and any updated versions of it on our website;
- share a summary of this policy annually in our weekly newsletter;
- share this policy with any person who may wish to raise a concern.

4 Our approach to dealing with complaints

At all times complaints will be dealt with in a courteous and constructive manner and we will seek to resolve the situation swiftly so that we can continue to provide our pupils with the best possible education.

When dealing with complaints, we will aim to:

- encourage resolution of problems by informal means wherever possible;
- be non-adversarial;
- ensure swift handling by dealing with the initial communication within three days and then giving a clear indication of how long it will take to investigate and answer the concern;
- keep all those involved informed of progress;
- arrange a full and fair investigation by an independent person where necessary;
- respect peoples' desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate, actions if necessary.

5 Time limits

We will endeavor to deal with complaints swiftly. All complaints will be acknowledged within five school days and we will aim to send a full reply within ten school days. There may be occasions when a longer time period is needed to allow for a full investigation to take place. The school will communicate with the complainant indicating time frames.

6 Investigating complaints

The member of staff dealing with a complaint will:

- seek to establish what has happened so far, and who has been involved;
- clarify the nature of the concern and what remains unresolved;
- meet with the parent/carer or contact them ;
- clarify what the parent/carer 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 any interviews with an open mind and be prepared to persist in the questioning;

- keep notes of any interviews or arrange for an independent note taker to record minutes of the meeting;
- record the progress of the concern and the final outcome.

7 Serial and persistent complainants

Our 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 the school. However, we will implement exceptional procedures in respect of unreasonable complainants.

We define unreasonable complainants as ‘those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints or adversely affect the day-to-day running of our school’.

A complaint may be regarded as unreasonable when the behaviour of the person making the complaint exhibits one or more of the following:

- fails to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- fails to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with this complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, immediately and /or to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and/or seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (which has been addressed previously under this policy
- refuses to accept the findings of the investigation into a complaint where the complaint procedure has been completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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 asking them to change it. For complainants who excessively contact our 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 usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from our school site (see next section).

8 Barring from the school premises

Although fulfilling a public function, schools are private places. The public including parents and carers has no automatic right of entry. Schools including playgrounds and other outdoor parts of a school will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

9 Complaints not in scope of the procedure

This procedure covers all complaints about any provision of facilities or services that a school provides with the exceptions listed below, for which there are separate (statutory) procedures.

- 1) **Exceptions:** Admissions to schools, Statutory assessments of Special Educational Needs (SEN), School re-organisation proposals, Matters likely to require a Child Protection Investigation

Who to contact: Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority; either the school or the LA. For James Wolfe School it is the LA.

- 2) **Exception:** Exclusion of children from school

Who to contact: Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.

- 3) **Exception:** Whistleblowing

Who to contact: Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted, Piccadilly Gate Store Street Manchester M1 2WD.

The Department for Education is also a prescribed body for whistleblowing in education.

- 4) **Exception:** Staff grievances and disciplinary procedures

Who to contact: These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.

- 5) **Exception:** Complaints about services provided by other providers who may use school premises or facilities.

Who to contact: Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

10 Governing body review

Our Governing Body monitors the level and nature of complaints, and review the outcomes on a regular basis. This helps our school monitor the effectiveness of our complaints procedure, making changes where necessary. It also allows the school to review its work across different areas and make changes if necessary.

Governors will note the number of complaints at their termly fully governing body meeting. This includes noting if there have been no complaints during the term.

APPENDIX I – Roles and responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

The Headteacher

The Headteacher should:

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, headteacher, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
 - sharing third party information;
 - additional support – this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:

- 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;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- 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.

The Panel Clerk (in our school this is the Clerk to the Governors)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;

- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – 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 hearing;
- liaise with the Clerk and complaints co-ordinator.

Panel Member

Panelists will need to be aware that-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;
- No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;
- However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- many complainants will feel nervous and inhibited in a formal setting;
- Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;
- Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel 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 panel 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 panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

The welfare of the child/young person is paramount.

APPENDIX 2 - Interviewing best practice tips

Children/young people

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

Staff/Witnesses

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. one question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints co-ordinator/ headteacher/ Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.