

**The Mortimer Federation of St John's and St Mary's**

Complaints Policy			
Policy Number	Personnel	Date of Issue	March 2020
Status	Statutory	Review Date	March 2023
		Issue Number	1

**THE MORTIMER FEDERATION OF ST JOHN'S AND ST MARY'S**

**COMPLAINTS POLICY**

This policy should be used for:

- Complaints relating to the schooling of your child.
- Complaints about the education and care provided to pupils at the school.
- Complaints about the school's operational arrangements.

This policy is limited to matters which can reasonably be investigated and therefore complaints should relate to matters which have occurred within the last 12 months.

This policy should not be used for:

- Complaints by staff relating to grievances about their employment.
- Complaints about the actions of a governor.
- Complaints about the actions of another parent.
- Allegations of abuse.
- Issues between the school and community groups/PTA.

These matters will be dealt with by:

- Complaints by staff relating to grievances about their employment (there is a separate staff grievance procedure).
- Complaints about the actions of a governor (this should be reported to Chair of the Governing Board in the first instance, and considered with reference to the West Berkshire Governors Code of Conduct).
- Complaints about the actions of another parent (this should be reported to the Executive Headteacher who will investigate whether action can be taken by the school).
- Allegations of abuse (any allegations of abuse should be discussed with the Executive Headteacher or a senior staff member in the first instance. For a definition of abuse, refer to your Child Protection and Safeguarding policies).
- Issues between the school and community groups/PTA (these will be resolved informally by discussion).

**Status**

Section 29 of the Education Act 2002 states the need to have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires the complaints procedure to be publicised.

**Purpose**

The school's values are concerned with meeting the needs of pupils, parents and other stakeholders. The Governing Board believes that feedback is an important ingredient in self-evaluation and raising standards. All stakeholders should feel that their concerns or complaints can be voiced and will be considered seriously.

The school takes informal concerns seriously and aims to resolve them at the earliest stage in order to reduce the numbers that develop into formal complaints.

The underlying principle is that concerns will be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure will not in any way undermine efforts to resolve the concern informally. Staff will endeavour to resolve issues on the spot.

Formal procedures will be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

**Applicability**

The policy shall apply to all employees and governors of the school. It is the shared responsibility of the Executive Headteacher and the Chair of the Governing Board to ensure that these groups are made aware of the policy and procedure.

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The 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 panel *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.

### Roles and responsibilities

In brief the procedure is as follows:

#### Stage one:

Complaint/concern heard by staff member (informal);

#### Stage two:

- Complaints must be made in writing;
- Complaint heard by Executive Headteacher (formal) or
- Complaint is heard by the Chair of Governing Board (if complaint is about the Executive Headteacher) (formal);

#### Stage three:

Complaint heard by Governing Board's Complaints Panel (review);

A dissatisfied complainant can always take a complaint to the next stage.

The Complaints Policy and Procedure are publicised to all stakeholders through:

- the information given to new parents when their children join the school;
- the home-school agreement;
- the school website.

If, at any stage of the process, the complainant starts legal action in relation to the matters under consideration, the complaints process will automatically cease, and all further correspondence will be with the Schools' legal representatives.

#### Monitoring and evaluating the policy

All documentation regarding complaints (including notes of any related meetings and telephone calls), the action taken and the final outcome will be recorded and a summary included in the Executive Headteacher's termly report to governors.

The Governing Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Board will not name individuals.

The monitoring and review of complaints by the school and the Governing Board is a useful tool in evaluating the school's performance, and will contribute to school improvement. Any underlying issues identified will be addressed.

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### Record Keeping

- All complaints will be responded to in writing.
- At Stage 1 – even though this is an informal stage, the complainant will receive a reply in writing and a copy should be retained for reference.
- At Stages 2a, 2b and 3 – there should be clear communication in writing throughout the handling of the complaint. A copy of all written communication should be retained for reference.

Only complaints relating to the schooling of the specific child would fall within the child's files. Other issues will be filed separately in a secure location and will be retained for a period of 7 years.

### Complaints Procedure

A complaint is an expression of dissatisfaction about the school. Two different types of complaint are recognised by the school:

- (a) A **justified complaint** - where the School is at fault because we have failed to do something we should have, or we have done something we should not have.
- (b) A **grievance** - where the complainant is dissatisfied but we are not at fault because we are following an agreed policy or procedure. Whilst these may be understandable causes for complaint, the concerns reflect policies and budgets already agreed by the school and its Governing Board. As such the School has not failed to do something it said it would, or has agreed to do.

### Investigating Complaints

At each stage the person investigating the complaint will ensure that they:

- 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 any interview or meeting
- communicate with the complainant at each stage over discussions and agreements reached.

### Resolving Complaints

At each stage in the procedure, successful resolution of the complaint will take priority. If appropriate one or more of the following may be offered:

- 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 school policies in light of the complaint.

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage.

### Time Limits

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

On occasion, the school may need to extend the time to respond to a Stage 1 or Stage 2 complaint. This may be because of resource or capacity issues, or because additional information needs to be obtained to investigate the

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complaint. In such cases, the school will provide a holding letter, explaining the reason for the delay, and providing a date by which a response will be supplied.

*Response times given refer to Monday to Friday inclusive, term time only.*

**Record Keeping**

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Only complaints relating to the schooling of the specific child would fall within the child's files. Other issues will be filed separately in a secure location and will be retained for a period of 7 years.

**STAGE ONE (informal):**

**Concern/Complaint heard by relevant staff member (when not the subject of the complaint).**

Where a complainant is unhappy with an issue in school they should contact a member of staff in the first instance. In most cases this will be either a child's teacher or the school office staff. The member of staff receiving the complaint will either:

- Provide a response to the complainant (after discussions with relevant colleagues if necessary) or
- Refer the complaint to the appropriate person within the school.

Where the complaint concerns the Executive Headteacher, the complainant should proceed to Stage 2b.

If the complainant indicates that he/she would have difficulty discussing a complaint with a particular member of staff, or the complaint relates to the staff member, the complainant may be referred to another staff member (or the Executive Headteacher). The ability to consider the complaint objectively and impartially is crucial.

The school will respond in writing ***within five school days***, with a brief summary of the complaint and a response.

**If the complainant wishes to move to Stage 2, a request must be submitted to the school in writing *within 15 school days*. Otherwise the matter is considered closed, and will not be considered further. The letter must explain why the complainant is dissatisfied with the outcome of Stage 1.**

Complaints must not be referred to individual governors. Where the first approach *is* made to a governor, the complainant should be referred to the appropriate person above and advised of the procedure. Governors must not act on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

**STAGE TWO (formal):**

**2a) Concern/Complaint heard by Executive Headteacher**

If dissatisfied with the outcome at Stage One, the complainant should contact the Executive Headteacher about the issue. (At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint). The Executive Headteacher will provide a response to the complainant (after discussions with relevant colleagues, if necessary).

The school will respond in writing ***within 15 school days***, with a summary of the complaint and a response.

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If the complainant wishes to move to Stage 3, a request must be submitted to the school in writing ***within 15 school days***. Otherwise the matter is considered closed, and will not be considered further. The letter must explain why the complainant is dissatisfied with the outcome of Stage 2a.

*If the complaint is about the Executive Headteacher, the complainant should move to Stage 2b.*

### **2b) Concern/Complaint heard by Chair of the Governing Board**

If the complaint is about the Executive Headteacher, the complainant should contact the Chair of the Governing Board about the issue. The Chair can be contacted by letter addressed to the school. The Chair of the Governing Board will discuss the concerns with the Executive Headteacher and provide a response to the complainant.

Under Law, where the Chair of the Governing Board is absent, the Vice Chair (or a representative nominated by the full Governing Board) will assume the responsibilities outlined in this procedure.

The Chair will respond in writing ***within 15 school days***, with a summary of the complaint and a response.

If the complainant wishes to move to Stage 3, a request must be submitted to the Chair in writing ***within 15 school days***. Otherwise the matter is considered closed, and will not be considered further. The letter must explain why the complainant is dissatisfied with the outcome of Stage 2b.

### **STAGE THREE (review):**

#### **Complaint heard by the Governing Board's Complaints Panel**

If dissatisfied with the outcome at Stage Two, the complainant may write to the Chair of the Governing Board about the complaint, and the Chair will convene the Governing Board's Complaints Panel to review the handling of the complaint at Stage 2 and to examine the decision reached. The complainant should explain why they are requesting a review, and why they consider the response they have received to be unsatisfactory.

The Governing Board will determine which governors sit on the Governing Board Complaints Panel. The membership of the Panel will not include the Chair as s/he will have considered the complaint under Stage 2 Staff governors and the Executive Headteacher are also excluded, as are any governors who have a prior involvement in the case.

Individual complaints will not be heard by the whole Governing Board at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint. It is not appropriate for the details of complaints to be shared widely amongst the Governing Board.

#### The Remit of the Complaints Panel

The governor chairing the Panel will acknowledge receipt of the complaint ***within five school days***.

The Panel will convene to examine the complaint ***within 15 school days*** of receipt of the complaint. The Complaints Panel is not convened to merely rubber-stamp previous decisions. It will investigate the complaint promptly and impartially.

If the matter is complex and requires more time to investigate, a letter may be sent to the complainant outlining the reasons for any delay and the subsequent timescale for the complaint. Every effort must be made to respond to complaints in a timely manner.

The Complaints Panel will decide on the method of investigation depending on the nature of the complaint. The Complaints Panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems, policies or procedures to ensure that problems of a similar nature do not recur.

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Panel members must not have a conflict of interest and must not have been involved in the matters under review.

Outcome of the Complaints Panel meeting

The complainant will receive a written explanation of the outcome and action taken ***within five school days*** of the Panel's meeting.

If the complainant is still dissatisfied, the final course of action is to write to the Secretary of State for Education.

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Chair of Personnel and Pay Committee

\_\_\_\_\_  
Date

**Share Your Light**  
***Impartias Lucem Tuam***

*Matthew 25:29 "For whoever has will be given more, and they will have an abundance"*