

MEDINA PRIMARY SCHOOL

COMPLAINTS POLICY – 2021/2022



This policy is written in accordance with Section 29 of the Education Act 2002. It states that all local authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. This policy also references the DfE document – ‘Procedures 2016. Departmental advice for maintained schools, maintained nursery schools and local authorities.’ (January 2016).

Introduction

Medina Primary School endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice.

In order to do so, the Governing Board of Medina Primary School has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

Aim

To ensure that complaints are dealt with quickly, fairly and efficiently. We aim to resolve concerns and complaints on an informal basis with the class teacher and/or a senior teacher, including the Headteacher, and through doing so develop respect and mutual understanding.

Complaints not in scope of the procedure

A complaints procedure should cover 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.

- Admissions to schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievances and disciplinary procedures
- Complaints about services provided by other providers who may use school premises or facilities.

There is a difference between a concern and a formal complaint; in the vast majority of circumstances it is in everyone’s best interest that the concern is addressed informally. At Medina Primary School we take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school’s formal procedure should be invoked through the stages outlined within the procedure below.

Social Media

In order for complaints to be resolved as quickly and fairly as possible, Medina Primary School requests the complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

Safeguarding

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's safeguarding policy (child protection policy) which can be found on the school website.

There are three levels of complaint:

- Informal level (Class teacher and Leadership team)
- Formal complaint to the Governing Body
- Formal complaint to the Secretary of State

All complaints will be considered and resolved as quickly, and efficiently as possible.

The Informal Level – Class Teacher

If you have any concerns or complaints, you should refer them to your child's class teacher in the first instance. If they decide that your concern or complaint needs further attention they will refer the matter to a member of the Senior Leadership team:

- We will work on the assumption that a mutual good is being sought and will expect those making the complaint to assume the same of staff.
- We will listen to each other and try to identify the cause of the complaint and the objectives and intentions of the staff.
- We will discuss strategies for resolution and aim for agreement of action to be taken when necessary. This usually enables problems to be sorted out quickly to everyone's satisfaction.

Teachers are usually available to see parents at the end of the school day. If the situation is urgent please make an appointment, either by contacting the school office or sending a note in with your child. Teachers are not available to discuss concerns or complaints during class time.

The Informal Level – Leadership

If you are not satisfied following such discussions, bring your concerns to the Headteacher, Deputy Headteacher or the Senior Leadership Team's personal attention. Most problems are sorted out to everyone's satisfaction in this way

Formal complaint to the Governing Body

If you are still unhappy, you can complain directly to the Governing Body of the school. You will need to make the complaint in writing and send it to the school. Address any written complaint to Chair of the Governing Body. The complaint will then be investigated. Urgent cases will be considered a priority.

The complaint will be heard by a panel of governors. These governors will not previously have been involved in any detailed discussion of your complaint. You will be able to call upon evidence in support of your case. Investigations should aim to clarify what has happened, who has been involved, and what the complainant feels would put things right. You will be informed of the panel's decision in writing.

Formal complaint to The Secretary of State for Education

If you are still dissatisfied after the Governing Body has considered your complaint, you may then complain to the Secretary of State.

Complaints about the Headteacher or a Governor

Where a complaint regards the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Chair of Governors via the school's front office. The 'Informal Level – Leadership' process will then commence, but with the Chair of Governors as the individual responsible for the investigation rather than the member of the Leadership team.

Where a complaint regards a Governor, the same process applies as for the Headteacher. Where a complaint concerns the Chair of Governors, the individual should contact the Clerk to the Governors. Informal resolution will be sought, but where this fails, the formal complaints procedure will take immediate effect. The Vice Chair or an independent investigator will mediate any proceedings.

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 Department for Education.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by Medina Primary School. They will consider whether Medina Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

Timeliness

Complaints will to be considered and resolved as quickly, and efficiently as possible. The school has set realistic and reasonable time limits for each action within each stage. Where further investigations are necessary, new time limits will be set. The complainant will receive details of the new deadline and give an explanation for the delay.

Most concerns and complaints are normally resolved within a few days. Where further investigations are required under the 'Informal stage' we will aim to resolve the complaint within 10 working days. Where a complaint reaches a formal complaints level we will aim to resolve this within 30 working days of the complaint.

The school expects complaints to be made as soon as possible after an incident arises. Medina Primary School will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint, for example. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

Medina Primary School reserves the right not to investigate complaints that have been made three months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

Unreasonable Complaints

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see below) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures
- The complainant changes the basis of the complaint as the complaint progresses
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate
- The complainant acts in a way that is abusive or offensive.

The Headteacher will use his/her discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the Chair of Governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the Chair deems it appropriate to, they can redirect the Headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the Chair upholds the Headteacher's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education (see the contact details at the end of the document).

If you have any queries regarding any aspect of the complaints procedure, please direct these to the Clerk to the Governors (via the school office).

If the complainant remains dissatisfied with the outcome of the complaints procedure they may contact the local authority – Portsmouth City Council.

If the complainant feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>

Ofsted will also consider complaints about schools.

Relevant legislation and guidance:

- The Equality Act 2010: <http://www.legislation.gov.uk/ukpga/2010/15/contents>
- The Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>
- The Education (Independent School Standards) Regulations 2014
<http://www.legislation.gov.uk/uksi/2014/3283/contents/made> Education Act 2002
<http://www.legislation.gov.uk/ukpga/2002/32/contents>
- The Department for Education Best Practice advice for school complaints procedures
<https://www.gov.uk/government/publications/school-complaints-procedures>

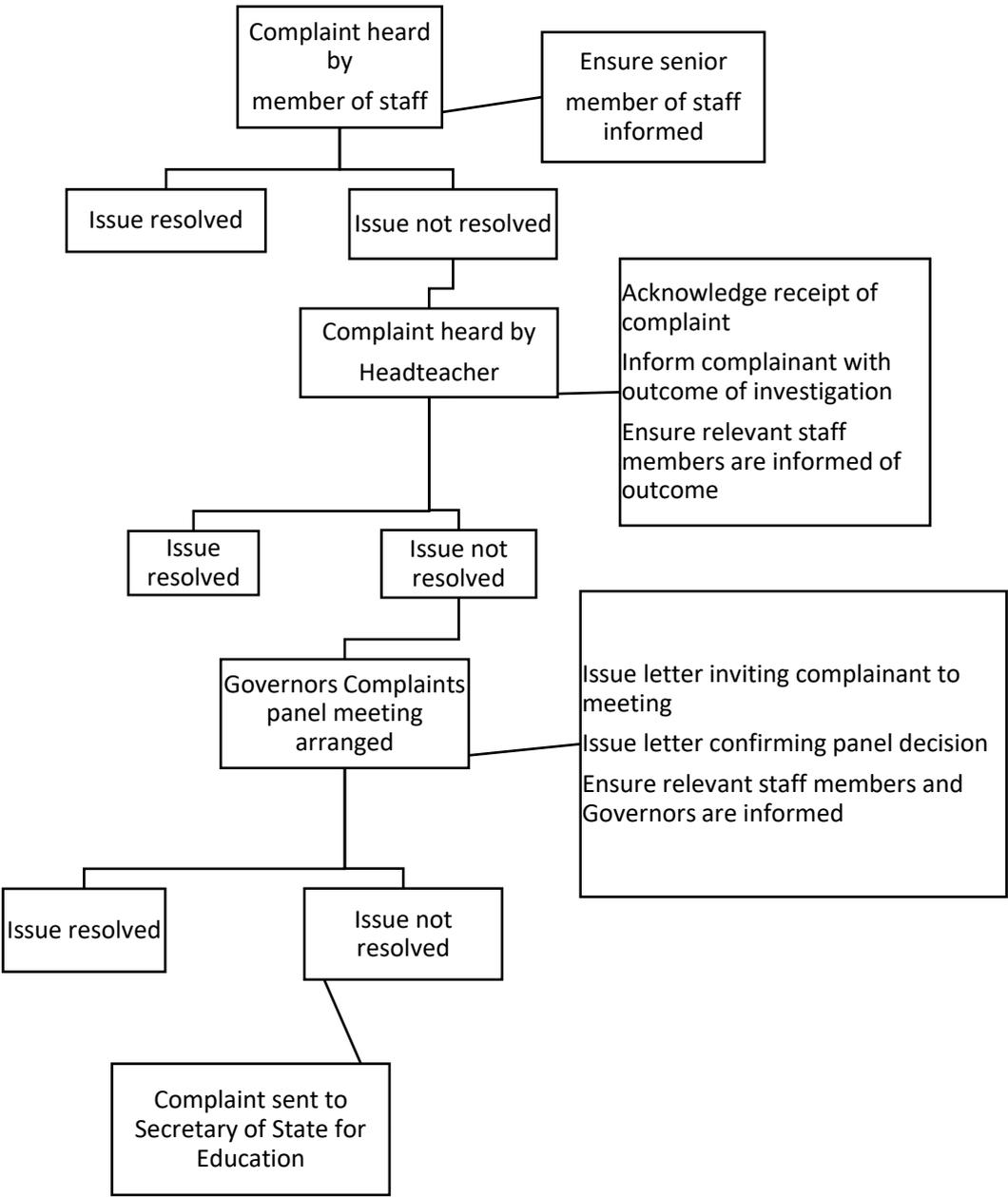
Legal Compliance & Equality Statement

At the time of ratifying this policy, the policy owner was satisfied that, to the best of their knowledge, this document complies with all relevant legislation.

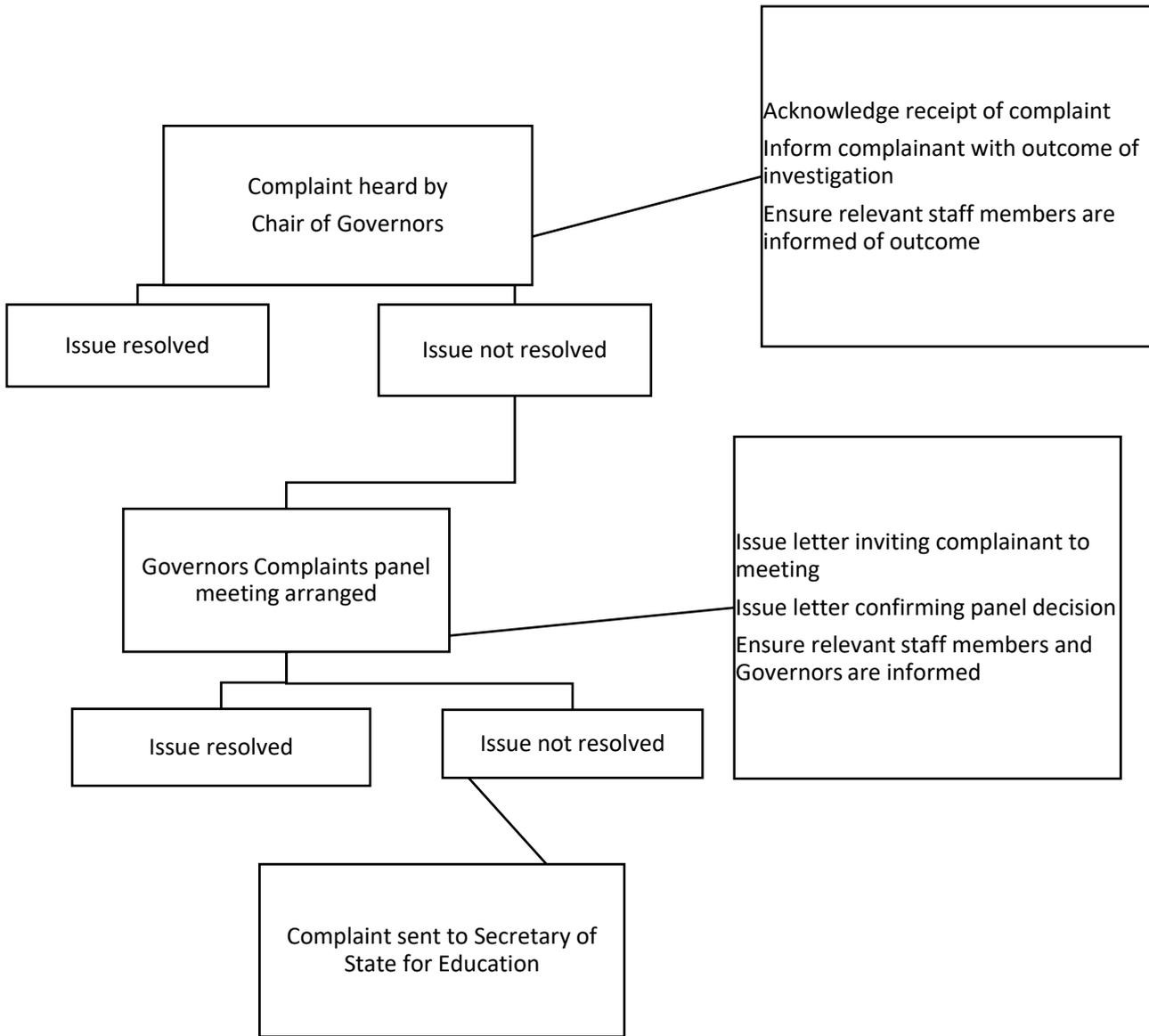
The school is aware that complainants have a right to copies of any records regarding their complaint under the Freedom of Information and Data Protection Acts.

The school is committed to the principles of Equality and under this policy no person will be treated less favourably on grounds of race, colour, nationality, ethnic or national origin, disability, gender, marital or parental status, age, religion or belief, sexual orientation, proposed or actual gender re-assignment, economic group, employment status, or any other condition or legally protected characteristic which cannot be shown to be wholly justified in relation to the effective operation of the school.

**Flowchart of Complaints about School
(excluding Headteacher)**



Flowchart of Complaints about a Headteacher



Complaints Form



Please complete and return to Medina Primary School. An acknowledgement will be sent with an explanation of what action will be taken.			
Your name			
Child's name			
Your relationship to child			
Address			
Daytime telephone number			
Evening telephone number			
Please give details of your complaint			
What actions, if any have you taken to try to resolve your complaint (who did you speak to and what was the response)?			
What actions do you feel might resolve the problem?			
Are you attaching any paperwork? If so, what?			
Signature			
Date			
For Office Use Only			
Date acknowledgement sent		By whom	
Complaint referred to:		Date	

Appendix 1 - The Remit of 'The Complaints Appeal Panel'

The 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 or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the appeal 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. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to 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.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- The governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

Any panel or group of governors considering complaints will be clerked. The clerk would be the contact point for the complainant and be required 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 where possible at least five school days in advance
- Meet and welcome the parties as they arrive at the hearing
- Record the proceedings
- Notify all parties of the panel's decision.

As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

The Role of the Chair of the Governing Body or the Nominated Governor

- Check that the correct procedure has been followed
- If a hearing is requested, notify the clerk to arrange the panel.

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- The remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The issues are addressed
- Key findings of fact are made
- Parents and others who may not be used to speaking at such a hearing are put at ease
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- The panel is open minded and acting independently
- No member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- Each side is given the opportunity to state their case and ask questions
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision). The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.