

Mercia School

Complaints Policy



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This policy has been approved by the Local Governing Body and signed by the Chair of Governors	
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Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Mercia Learning Trust Complaints Procedure

1. Introduction

Mercia Learning Trust are committed to developing a strong partnership with students, parents/carers and other stakeholders. This provides a good basis for mutual understanding and for preventing and resolving complaints.

We hope that the adoption of a clear complaints procedure will help to ensure that most complaints are resolved as quickly and smoothly as possible. In this way complainants can feel assured from the outset of a fair hearing, in line with a defined procedure for dealing with issues that have not immediately been resolved.

Mercia Learning Trust have therefore implemented a staged approach in an effort to prevent an early and unnecessary escalation of the problem.

In addition, we will ensure that action is taken as a result of lessons learned from the investigation of complaints to improve the school's policy and practice.

Where the policy states 'The School', this refers to each school forming the Mercia Learning Trust.

2. Scope

2.1 This policy and procedure is for the benefit of pupils and parents/carers of pupils at Mercia Learning Trust schools. This policy will be relied upon in respect of all complaints by parents/carers and pupils made against the school except in respect of:

- (a) Child Protection allegations where a separate policy and procedure applies
- (b) Exclusions where a separate policy and procedure applies; and
- (c) Appeals relating to internal assessment decisions for external qualifications, where a separate appeals procedure applies

2.2 There are separate procedures to deal with a complaint raised by or on behalf of a member of staff. These include the Grievance Procedure for a complaint by an employee of unfair treatment, the Harassment Procedure for an employee complaining of bullying or intimidation, the Disciplinary Procedure for an employee complaining about the conduct of another member of staff and the Whistle Blowing Procedure for an unresolved allegation of institutional malpractice.

2.3 Parents/carers can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated seriously and confidentially.

- 2.4 Correspondence, statements and records will remain confidential except where required by paragraph 6(2)(j) of the Education (Independent Schools Standards) Regulations 2003; where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.

3. Principles

- 3.1 The aim of this policy is to achieve a fair, effective and speedy resolution of parental/carer concerns about the education and/or welfare of individual pupils in the care of Mercia Learning Trust. We believe that most complaints can be resolved informally and will use its best endeavours to resolve any complaints or any concerns that are made, informally on that basis.
- 3.2 All complaints will be dealt with as quickly and efficiently as possible. The length of the period will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, the intention is that all complaints should be settled within a period which is reasonable in the circumstances.
- 3.3 All formal complaints will be investigated fully, fairly and carefully and complainants will be kept informed of progress.
- 3.4 The aim is always to secure the resolution of the complaint to the satisfaction of the complainant if possible.

The complaints procedure will:

- Encourage resolution of problems by informal means wherever possible
- Be easy to obtain and clearly publicised
- Be simple to understand and use
- Be impartial
- Be non-adversarial
- Allow swift handling with clear time-limits for action and keeping people informed of 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 and
- Provide information to the school's Governing Body and Head so that services can be improved

4. Recording

- 4.1 The Headteacher/Chair of Governors will acknowledge receipt of a written complaint within three working days.

- 4.2 The complaint will be recorded, together with the outcome and reasons for the outcome. The complainant will be informed of the outcome in writing, together with their entitlement to appeal the outcome.
- 4.3 Where the complaint is upheld, any action to be taken by the Trust in response will also be recorded.

5. Stage One

Dealing with Concerns and Complaints Informally

- 5.1 It is the aim of the Trust's procedures to resolve all complaints and concerns as early and as informally as possible. Parents and carers and their children need not only to be listened to but also to feel that they have been listened to.
- 5.2 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved immediately. Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. It may, on occasions, be appropriate for someone to act on behalf of the parent or carer.
- 5.3 It may be unclear as to whether a parent or carer is asking a question or expressing an opinion, rather than making a complaint. Similarly, a parent or carer may want a preliminary discussion or be seeking clarification of an issue in order to decide whether he or she wishes to take the matter further.
- 5.4 The school will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop in to complaints.
- 5.5 The school should inform staff that they have the right to advice or representation from their trade union at any stage of the complaints procedure once it becomes clear that a complaint is being made about a member of staff.

Procedures

- 5.6 Informal queries and complaints should be taken up directly with the appropriate member of staff, either verbally or in writing, who will clarify the nature of the concern or complaint and reassure them that the school will hear the concern or complaint and attempt to resolve it at the earliest stage. The member of staff may explain how the matter or incident arose and the issues connected with it. It may be helpful at this point for the parent or carer to identify what outcome is expected.

- 5.7 If the complaint is about a member of staff, they will need to respond appropriately, taking into account the status and seriousness of the complaint. Hopefully, the matter can then be resolved immediately (see notes on **'How to Listen to Complaints'** at Appendix 1).
- 5.8 If the member of staff first approached cannot deal with the matter immediately, then they should make a clear note of the date, the name and contact address or telephone number given by the complainant. The Headteacher of the school should be informed accordingly.
- 5.9 All members of staff should be aware of the procedure for referring a complaint to the staff member having responsibility for the area about which a particular concern has been raised. They should also ensure that when a referral has been made, this is followed through.
- 5.10 Where the concern relates to the actions of the Headteacher, the complainant should be advised to contact the Chair of the School Local Governing Body. In such circumstances, it is recommended that a Governors' Complaints Panel be convened, comprising three members of the School's Governing Body, in order to investigate the concern/complaint in line with the process outlined in stage 2. Notification of the convening of this panel should also be made to the Chair and CEO of the Mercia Learning Trust.
- 5.11 The member of staff dealing with the concern or complaint should make sure that the parent or carer is clear about what action, if any, or monitoring of the issue has been agreed, putting this in writing if this appears to be the best way of advising the complainant clearly about the resolution of the matter.
- 5.12 In instances where no satisfactory solution has been found within 10 school working days of the complaint having been made, parents or carers should be given clear information both verbally and in writing about how to progress their complaint and about any independent advice available to them.

6. Stage Two

Referral to the Headteacher, or Chair of Governors if the complaint is about the Headteacher, for Formal Investigation

Guidelines

- 6.1 At this stage, it will be apparent that a formal complaint has been registered and an appropriate response will be required. In some instances, the Headteacher will already have been involved in looking at the matter; in others, it will be their first involvement. In all instances, it will be helpful for the Headteacher or Chair of Governors (or other designated member of staff) to use these guidelines to ensure consistency and to ensure that regard is paid to the stages of the complaints procedure.

- 6.2 The Headteacher/Chair of Governors has responsibility for the implementation of the complaints procedure including decisions concerning their involvement at the various stages. A staged complaints procedure should ensure that more than one individual is involved in hearing and investigating the complaint.
- 6.3 The Headteacher/Chair of Governors should make arrangements to ensure that their involvement does not predominate at each stage of a particular complaint. Arrangements may be made for other staff to deal with parent and carer concerns at Stage 1, allowing for the Headteacher's involvement at Stage 2, should this be necessary. At any stage, the Headteacher may designate another member of staff to collect information and prepare a response.

Procedures

- 6.4 Formal complaints should normally be submitted in writing. The Headteacher (or designated member of staff) or Chair of Governors where the complaint is about the Headteacher, will acknowledge the complaint within 3 working days of receipt.
- 6.5 The school will be sensitive to the particular needs of parents or carers who may have difficulty in making a written complaint or for whom English is not their first language.
- 6.6 The acknowledgement should provide a brief outline of the school's complaints procedure and an expected date for the provision of a response. This will normally be within 10 school working days. If this proves to be unworkable, the complainant should be provided with an explanation for the delay and given a revised date for the provision of a response.
- 6.7 An Advice and Conciliation Service/Agency may become involved and enable an agreed way forward. A mediated meeting between the complainant and the school to discuss a solution may be suggested if both parties are in agreement. The aim here is to seek an early resolution to the complaint for the benefit of the child, parents or carers and the school. A complainant reserves the right to invoke more formal procedures should this be thought necessary to resolve matters.
- 6.8 The Headteacher should provide an opportunity for a complainant to meet with them in order to supplement any information previously provided. It should be made clear to the complainant that, if they wish, they may be accompanied at any meeting by a friend, relative or representative to speak on their behalf; and that interpreting facilities can be made available should this be necessary.
- 6.9 The Headteacher, or the person they designate, will, if necessary, interview witnesses and take statements from those involved. If the complaint concerns a pupil, the pupil should also be interviewed. In some instances,

another member of staff with whom the pupil feels comfortable may be asked to attend. It may be appropriate, depending on the circumstances, to invite a parent or carer to be present when the Headteacher interviews a pupil. The Headteacher should keep written records of all meetings, telephone conversations and other contacts made during the course of investigation of a complaint.

- 6.10 Once all relevant information has been gathered, the Headteacher will then formulate a written response to the complainant. The Headteacher may, additionally, suggest a meeting to discuss the complaint and seek a resolution. The written response should include a full explanation of the conclusion reached and the reasons for that conclusion. Where appropriate, this will include details of the action taken to resolve the complaint. If the complaint concerns a member of staff and action is to be taken against the member of staff concerned, the phrase 'Appropriate action has or will be taken' should be used.
- 6.11 The complainant should be advised that, should they find the Headteacher's response inadequate and they wish to take matters further, that they should notify the Chair of the School's Local Governing Body within 10 school working days of receipt. The Chair should arrange for a Governor Complaints Panel to investigate the complaint and would normally chair this panel, unless an alternative chair has been designated by the Governing Body. Notification of the convening of this panel should be made to the Chair and CEO of the Mercia Learning Trust.
- 6.12 Where a complaint has been made against the Headteacher, arrangements should be made for the initial investigation to be conducted by a single Governor (usually the Chair or Vice Chair of the Governing Body) or a suitably constituted Governing Body Complaints panel who will undertake Stage 2 of these procedures.

7. Stage Three

Appeal to the Chair of the Local Governing Body or Local Governing Body Complaints Panel

Guidelines

- 7.1 It is anticipated that complaints will rarely reach this stage. It is, however, important that should they do so, any appeal is not only independent and impartial but that it should be seen to be so. All complaints reaching Stage 3 will have done so because the complainant has not been satisfied with the response provided by the Headteacher (or Chair of Governors if the original complaint had been about the Headteacher) see point 2.2.9 above at an earlier stage of the procedure. Therefore, at least three governors who have had no prior knowledge of or involvement in the complaint, must handle any appeal. One panel member must also be independent of the management and running of the school.

- 7.2 As this is the last stage at which a resolution may be reached, every effort should be made to either mediate or conciliate. Parents or carers may therefore wish to seek assistance from an Advice and Conciliation Service, particularly if contact has not previously been made.
- 7.3 Appeals should normally be made in writing. In exceptional circumstances, the school may consider progressing a verbal complaint where there are believed to be sufficient grounds for doing so. The appeal should state clearly why it is felt that the complaint has not been resolved satisfactorily and, wherever possible, supported by documentary evidence or witness statements.
- 7.4 In the unlikely event of pupils needing to be interviewed, care will need to be taken to ensure that parental permission is obtained. In all instances a single governor should interview the pupil and parents or carers should be given the opportunity to attend but, if they are unable to do so, a nominated member of staff should accompany the pupil.

Procedures

- 7.5 Upon receipt of a written request by a complainant for the complaint to proceed to Stage 3, the procedures outlined below should be followed:
1. The Chair of the Local Governing Body should write to the complainant acknowledging receipt of the written request.
 2. The acknowledgment should inform the complainant that the Chair of Governors or three members of the school's Local Governing Body as appropriate, will investigate the complaint within 20 school working days of receipt of the request.
 3. The Chair and the CEO of the Mercia Learning Trust should be notified of the development of the complaint.
- 7.6 The acknowledgement should also explain that the complainant has the right to submit any further information or documentation relevant to the complaint. Any such documentation must, however, be received in sufficient time for this to be sent to the Chair of the Local Governing Body or Panel members charged with conducting the investigation.
- 7.7 If a Governors Complaints Panel is conducting the investigation, the Chair of Governors should convene a panel elected from members of the school's Local Governing Body. Panel members should be governors who have had no prior involvement with the complaint. Should this not be possible, governors may be approached from another Mercia Learning Trust schools to sit on the panel. Generally speaking, it is not appropriate for the Headteacher or other staff members to have a place on the panel. Governors may wish to bear in mind the advantages of having a parent or carer (who is also a governor) on the panel. Governors should be sensitive of issues of race, gender and

religious affiliation and the make-up of the panel should, if possible, reflect the two categories of Parent and Community/Co-opted governors.

- 7.8 The Chair should ensure that the Panel hears the complaint within 20 school working days of receiving the request. All relevant correspondence regarding the complaint should be given to each Panel member as soon as the composition of the Panel has been determined.
- 7.9 The Chair should write and inform the complainant, Headteacher, relevant witnesses and Panel members of the date, time and venue of the meeting, at least 10 school working days in advance. The details of the complaint available at that time should also be sent in writing to the Headteacher.
- 7.10 Notice of the Panel meeting sent to the complainant should also inform him/her of their right to be accompanied to the meeting by a friend, advocate or interpreter. This notice should also explain how the Panel meeting will be conducted and of the complainant's right to submit further written evidence to the Panel at least 5 school working days in advance of the meeting. The Chair should also invite the Headteacher to attend and prepare a written report for the Panel in response to the complaint.
- 7.11 The Headteacher may invite members of staff who have been directly involved in matters or issues raised by the complainant to respond in writing or, at the discretion of the Panel Chair, to attend the meeting in person. All concerned, including the complainant, should receive all relevant documentation, including the Headteacher's report, at least 5 school working days in advance of the meeting.
- 7.12 It is the responsibility of the panel Chair to ensure that the meeting is properly minuted.
- 7.13 The aim of the Panel meeting shall be to resolve the complaint and achieve reconciliation between the school and the complainant. It has to be recognised, however, that whilst the intention is to ensure that any complaint, which reaches this stage, is seen to have been treated seriously, it may not be possible to make recommendations that fully satisfy the complainant.
- 7.14 The Panel should be sympathetic to the fact that some parents and carers will not be used to dealing with groups of people in formal situations such as this and may, therefore, feel intimidated by the setting. It is suggested therefore that the Chair ensures proceedings are as informal as the circumstances allow.
- 7.15 Should either party wish to produce previously undisclosed or uncirculated documentation, it is in the interests of natural justice to adjourn the meeting to allow sufficient time for each party to consider and respond to this.

- 7.16 At Stage 3, the complainant and the Headteacher, together with any other staff who are involved with the complaint should be interviewed separately in order that the Panel can form a clear and independent view of the complaint. The interviews, which can be arranged to run consecutively, should allow for:
- The complainant to explain the nature of their complaint(s)
 - The Headteacher to explain the school's response to the complaint
 - Panel members to have an opportunity to question both complainant and Headteacher
 - All parties to have a right to call witnesses (subject to the approval of the Chair) and the Panel to the opportunity of questioning all witnesses
 - Parents and carers, Headteacher and staff to have the right of representation at the meeting if they so wish
- 7.17 The Chair should explain to the complainant and the Headteacher that the Panel will consider its decision and a written response sent to both parties within 15 school working days.
- 7.18 The Panel will consider the complaint and all the evidence presented and:
- a) Reach a unanimous or at least a majority decision on the complaint
 - b) Decide upon the most appropriate course of action to be taken to resolve the complaint and
 - c) Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not arise in future
- 7.19 Recommendations should be reported to the Governing Body at an appropriate time and a written statement outlining the decision of the Panel should be sent to the Headteacher and complainant. Should any action need to be taken against a member of staff, in order to protect their rights, the phrase 'Appropriate action has or will be taken' should be used. Where relevant, the person *complained about* will also be made aware of any recommendations taken by the Governing Body.
- 7.20 Governors should ensure that a copy of all correspondence and accompanying notes are kept on file. These records should be kept separately from the pupil's personal records.

8 Further recourse

Appeal to the Directors of the Mercia Learning Trust

It is anticipated that complaints will rarely reach this stage. It is, however, important that should they do so, any appeal is not only independent and impartial but that it should be seen to be so. All complaints reaching Stage 4 will have done so because the complainant has not been satisfied with the response provided by their appeal to

the Chair of the Local Governing Body or Local Governing Body Complaints Panel.

Directors who have no prior knowledge of or any involvement in the complaint must handle any appeal. There will be at least three Directors involved.

- 8.1 If the complaint is regarding the CEO of the Mercia Learning Trust, this should be addressed to the Chair and Vice Chair of the Mercia Learning Trust.
- 8.2 Appeals should normally be made in writing. In exceptional circumstances, the Mercia Learning Trust Board may consider progressing a verbal complaint where there are believed to be sufficient grounds for doing so. The appeal should state clearly why it is felt that the complaint has not been resolved satisfactorily.

Procedures

- 8.3 Upon receipt of a written request by a complainant for the complaint to proceed to the Mercia Learning Trust Board, the procedures outlined below should be followed:
 1. The Chair and CEO of the Mercia Learning Trust should write to the complainant acknowledging receipt of the written request.
 2. The acknowledgment should inform the complainant that the Chair and CEO of The Mercia Learning Trust will investigate the complaint within 20 school working days of receipt of the request.
- 8.4 The acknowledgement should also explain that the complainant has the right to submit any further information or documentation relevant to the complaint, not previously considered during the complaints process. Any such documentation must, however, be received in sufficient time for this to be sent to the Chair and CEO of the Mercia Learning Trust and could be made available to the other party(ies) to allow them time to respond.
- 8.5 The Chair and CEO of the Mercia Learning Trust may invite members of staff or others who have been directly involved in matters or issues raised by the complainant to respond in writing or, at his/her discretion to speak with them in person.
- 8.6 The aim of this final stage of the complaints process shall be to resolve the complaint and achieve reconciliation between the relevant school and the complainant. It has to be recognised, however, that whilst the intention is to ensure that any complaint, which reaches this stage, is seen to have been treated seriously, it may not be possible to make recommendations that fully satisfy the complainant.
- 8.7 At Stage 4, the complainant and the relevant Headteacher, together with any other staff who are involved with the complaint may be interviewed separately (where necessary) in order that the Chair and CEO of the Mercia

- Learning Trust can form a clear and independent view of the complaint. All previous documentation pursuant to the complaint will be considered.
- 8.8 The Chair and CEO of the Mercia Learning Trust should explain to the complainant and the Headteacher that they will consider their decision and a written response will be sent to both parties within 15 school working days.
- 8.9 Recommendations made by the Chair and CEO of the Mercia Learning Trust should be reported to the Chair of the relevant Local Governing Body at an appropriate time and a written statement/response outlining the decision should be sent to the Headteacher and complainant. Should any action need to be taken against a member of staff, in order to protect their rights, the phrase 'appropriate action has or will be taken' should be used.
- 8.10 The Chair and CEO of the Mercia Learning Trust should ensure that a copy of all correspondence and accompanying notes are kept on file. These records should be kept separately from a pupil or staff member's personal records.

9 Referral to the Ombudsman

Parents and carers in Sheffield can go to the Local Government Ombudsman (LGO) if they feel they have an unresolved complaint and have suffered injustice as a result of the actions of a school.

- 9.1 Unless there are exceptional circumstances, the Ombudsman will not deal with a complaint unless the school has had a proper opportunity to consider it and respond.
- 9.2 Further information can be obtained by contacting the LGO Advice Team on **0300 061 0614**, by e-mail to advice@lgo.org.uk or by visiting their website at www.lgo.org.uk/schools. Advisers will pass the complaint to a specialist team who will evaluate it and speak to the complainant before deciding how to proceed.
- 9.3 At any stage, the LGO can decide whether or not to pursue a complaint. If the decision has been made **not** to pursue a complaint, the complainant will be written to with an explanation of the reasons. If the complaint **is** to be pursued, the Ombudsman will write to the complainant and advise them as to how it will be investigated. The aim is to reach a decision as quickly as possible, especially when time is an important factor. Both parties will be kept informed and will have an opportunity to comment on the thinking before a decision has been made. If recommendations are made, the governing body must consider the decision and respond. If dissatisfied with the response from the governing body, the LGO can require an 'adverse findings notice' to be published in the local press.
- 9.4 The LGO's prime focus in dealing with complaints about schools is the needs and best interests of the child and the continuing relationship with the school.

- 9.5 The LGO is **not** empowered to consider or investigate disciplinary matters involving an individual teacher or matters that affect all or most of the pupils at a school.

Flowchart

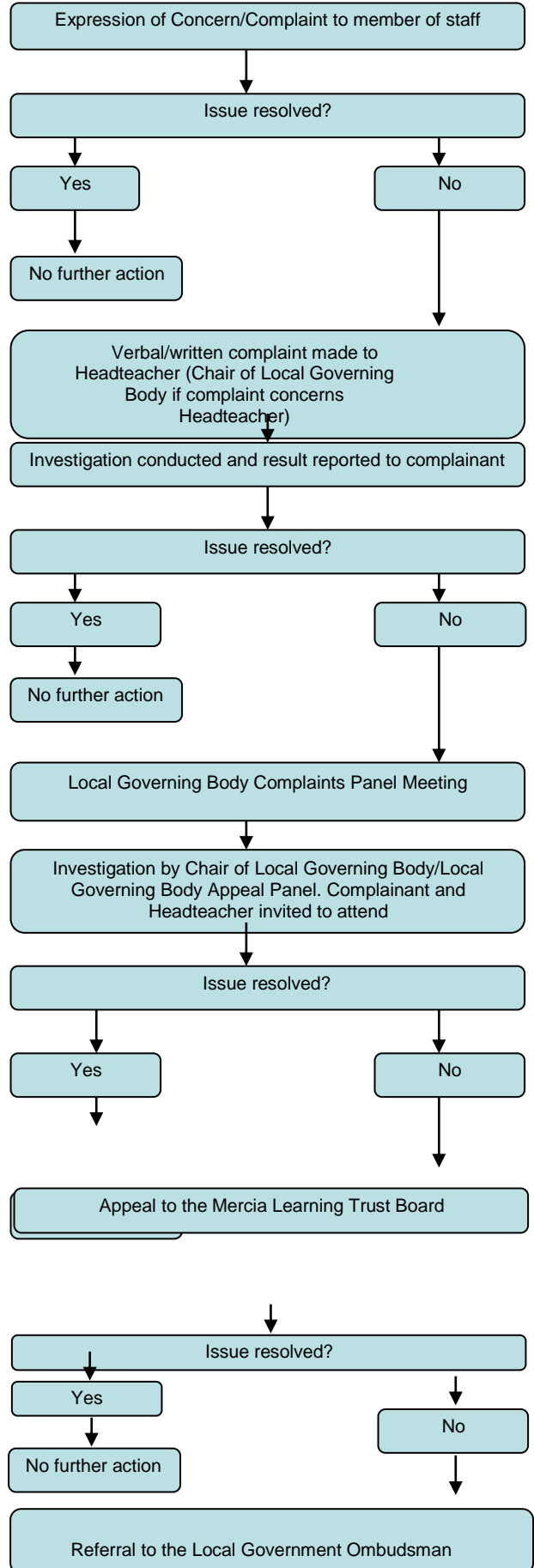
Summary of Stages of Complaints Procedure

Stage One:
Informal

Stage 2:
Headteacher/Chair of Governing Body Investigation

Stage 3:
Governing Body Appeal Panel

Beyond the Mercia Learning Trust



Your name:

Pupil's name:

Your relationship to the pupil:

School:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

**What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?**

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

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

Signature:

Date:

For Official use by the school

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

Guidance on Listening to Complaints

As soon as you realise you are listening to a complaint, remember the following points:

- **Take responsibility**
Try not to keep transferring an angry person on from one place to another. Make sure you know the contact person for anything you cannot deal with yourself.
- **Don't be flippant**
First impressions count. You and the school may be judged on your immediate reaction.
- **Treat all complaints seriously**
However small or trivial an issue may seem to you, the complaint itself will be an important one for anyone who takes the trouble to complain.
- **Be courteous**
Be sympathetic and helpful, but do not blame other colleagues.
- **Say who you are**
If you are unknown to the complainant, introduce yourself.
- **Ask for their name and use it**
Anonymous complaints are acceptable only in exceptional circumstances.
- **Take time to figure out exactly what the problem is**
It is easy for someone to forget to tell you an important detail, particularly if they are upset or annoyed.
- **Don't take the complaint personally**
To an angry parent or carer, YOU are the school and the only one they can put their feelings to right now.
- **Stay cool and calm**
Do not argue with the complainant. Be polite and try to establish exactly what it is he or she believes the issue to be.
- **Check you are being understood**
Make certain that the parent or carer understands what you are saying. Avoid using jargon - it can cause confusion and annoyance to someone 'not in the know'.
- **Don't rush**
Take your time. Let the complainant have their say and let off steam if they need to. Listen carefully and sympathetically to their problem before replying and attempting to find a solution or suggesting the next step.