



COMPLAINTS POLICY

Name	Complaints Policy		
Agreed by	Full Governing Body		
Date agreed	04/03/25	Review date	Spring 2027
Signed & dated			

Malmesbury Primary School Complaints Policy

Introduction

School Governing Bodies are required, under Section 29 of the Education Act 2002, to have in place a procedure for dealing with complaints. This policy sets out the procedures adopted by Malmesbury Primary School ('the school', 'we') for considering and responding to complaints.

We are a values-driven school. We work hard to make the best decisions in the interests of our children and seek to build and maintain strong partnerships with parents/carers and our wider community to support us with this.

Sometimes there will be a concern or complaint which needs to be addressed by the school. It is in everyone's interest that concerns and complaints are taken seriously and are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of this procedure.

The Difference between A Complaint and A Concern

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 a lack of action'.

Malmesbury Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible. Many issues can be resolved informally, without the need to use the formal stages of the Complaints Procedure.

If you have difficulty discussing a concern with a particular member of staff, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, they may 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, Malmesbury Primary School will attempt to resolve the issue through the stages outlined within this Complaints Procedure.

The definition and management of serial and unreasonable complaints are set out in Appendix D.

Scope

The complaints procedure is not limited to parents or carers of children at the school. Any person, including members of the public, may make a complaint to the school about the provision of the school's facilities or services.

The following matters will not be considered under this complaints procedure:

- School admissions, assessments of special educational needs and school reorganisation proposals: Any complaints about these matters should be made to the London Borough of Tower Hamlets¹.
- Matters likely to require a child protection investigation: Complaints about child protection matters are handled under the Child Protection Policy and in accordance with the relevant statutory guidance.
- Exclusion of children from school: Appeals against exclusions are handled under the relevant exclusion processes².
- Whistleblowing: There is a separate whistleblowing policy for all employees, including temporary staff and contractors.
- Staff grievances: These will be considered under the school's Dignity at Work (Grievance) Policy and Procedure.
- Staff conduct: Complaints about staff may be considered under disciplinary procedures, if appropriate. As such complainants may not be informed of disciplinary action taken as a result of a complaint but they will be notified that the matter is being addressed.
- National Curriculum content: Any such complaints should be made to the Department for Education.
- Complaints related to third parties who use the school's premises or facilities: These complaints should be made directly to the organisation.

If other bodies are investigating aspects of the complaint, for example the police or local authority (London Borough of Tower Hamlets) or tribunals, this may require the complaints procedure being suspended until those other investigations or processes have concluded. This will impact on the school's ability to adhere to the timescales in the complaints procedure.

If a complainant commences legal action against the school, we will consider whether to suspend the complaints procedure until those proceedings have concluded.

Principles

Informal resolution: It will usually be possible to resolve problems by informal means and we will attempt to do so wherever possible.

Partnership: We all (school staff, parents and governors) are working together for the good of the pupils in the school.

¹ https://www.towerhamlets.gov.uk/lgn/council_and_democracy/complaints/complaints.aspx

² <https://www.gov.uk/school-behaviour-exclusions/challenging-exclusion>

Timeliness: Complaints need to be considered and resolved as quickly as reasonably possible.

Confidentiality: All those involved with complaints are expected to observe the confidentiality of the process.

Reasonable Adjustments: In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure.

Anonymous complaints: Anonymous complaints are discouraged. The school will not usually investigate anonymous complaints. However, the Headteacher or (where required) the Chair of Governors may determine if an anonymous complaint requires investigation.

Learning from complaints: The process of listening to and resolving complaints can contribute to school improvement.

Serial and unreasonable complaints: The school's approach to management of serial and unreasonable complaints is detailed in Appendix D.

The complainant can support the process by:

- Explaining the complaint in full as early as possible.
- Co-operating with the school in seeking a solution to the complaint.
- Responding promptly to requests for information or meetings or in agreeing the details of the complaint.
- Asking for assistance as needed.
- Treating all those involved in the complaint with respect.
- Refraining from promoting their complaint in the media, or on social media and respect confidentiality.

Raising a Concern (Informal)

We encourage parents and carers to raise any concerns informally with the school in the first instance. This will usually be the class teacher for your child. If this is not appropriate, or you do not feel comfortable doing this, you can speak to the Assistant Headteacher responsible for the relevant year group. This information is available on our website³ or can be provided via the school office.

Complaints against staff (except the Headteacher) should be made in the first instance to the Headteacher via the School Office or by email at admin@malmesbury.towerhamlets.sch.uk. Please mark them as Private and Confidential.

³ <https://www.malmesburyschool.uk/whos-who/>

Complaints that involve, or are about, the Headteacher should be addressed to the Chair of Governors. These contact details are in Appendix A. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual Governor or the whole Governing Body should be addressed to the Clerk to the Governors. These contact details are in Appendix A. Please mark them as Private and Confidential.

For members of the public (who are not parents or carers of a child at the school) who wish to raise a concern, we encourage you to contact the school office in the first instance.

Making a complaint (Formal)

If you feel that your concern has not been resolved informally you may wish to make a formal complaint.

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will only consider complaints made outside of this time frame if exceptional circumstances apply.

Where complaints are received outside of term time, we will consider them to have been received on the first school day after the holiday period.

Complaints can be made in person, in writing or by telephone. The school may ask you to submit details of your complaint using the complaint form (Appendix B). Complaints should be marked private and confidential and addressed to the Headteacher, Chair of Governors or Clerk to the Governors, as outlined below. Contact details for these roles are found in Appendix A.

Formal complaints should be made to the Headteacher. For the purposes of this policy, they are the designated officer for formal complaints. They may decide to deal with the matter personally or they may delegate responsibility for addressing the complaint to another, appropriate member of staff. The Headteacher may wish to appoint a member of staff to investigate the complaint. In some circumstances it may be appropriate to appoint an external investigator.

Where the complaint relates to the Headteacher or a governor the complaint should be directed to the Chair of Governors (who becomes the designated officer for the purposes of this policy). If the concern relates to the Chair of Governors (or the governing body as a whole), you should contact the Clerk to the Governors.

The roles and responsibilities of those involved in the formal complaints process are detailed in Appendix C.

The school expects to address complaints directly with the complainant. However, complainants may submit complaints via a third party. Where they do so, we will only deal with the complaint if we are provided with the appropriate consent.

Formal Complaints Procedures: Stage 1

The designated officer will record the date the complaint is received and will acknowledge receipt in writing within 5 school days.

The designated officer will seek to clarify the nature of the complaint, what remains unresolved and what outcomes the complainant would like to see. Whilst the designated officer may consider a face-to-face meeting as most appropriate for gathering and understanding this information it is not a requirement.

The designated officer may delegate the investigation of a complaint to another suitable person, but they may not delegate the decision/s made in respect of the complaint.

At the conclusion of the investigation, the designated officer will provide a written response within 20 school days of the receipt of the complaint. Where the designated officer is not able to provide a final response to the complaint, they will provide an update to the complainant and advise of the likely date they will be able to provide a final response.

The designated officer will also advise the complainant of how they can escalate their complaint should they be dissatisfied with the response at stage 1.

Formal Complaints Procedures: Stage 2 (Review Stage)

If the complainant is dissatisfied with the outcome at stage 1, they can escalate the complaint to stage 2. This is the final stage of the complaints procedure. The purpose of this stage is to review the management of the complaint. It is not a re-investigation or re-hearing.

A request to escalate to Stage 2 must be made to the Clerk to the Governors via the school office, within 5 school days of the Stage 1 response. Requests outside this time frame will only be considered in exceptional circumstances.

The Clerk to the Governors will record the date of the complaint being escalated and acknowledge receipt of the complaint in writing within 5 school days.

Stage 2 will consist of a Review Panel ('the panel') comprised of three impartial members of the school's governing body with no prior involvement of the complaint. Members of the panel will determine who will act as Chair. If there are less than three governors from the school available, the Clerk to the Governors will source additional governors from another local school/s. In certain circumstances it may be appropriate for an entirely independent panel to be convened to hear the complaint.

The panel will decide whether to deal with the complaint review by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the panel decides to hold a meeting, the Clerk to Governors will write to the complainant to inform them of the date of the meeting. They will aim to convene a

meeting within 15 school days of receipt of the Stage 2 request. If this is not possible, the Clerk to Governors will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk to Governors will decide when to hold the meeting. It will then proceed in the complainant's absence based on written submissions from the complainant.

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included.

The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. Generally, we do not encourage either party to bring legal representatives to the panel meeting and representatives of the media are not permitted to attend.

However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Resolving Complaints

At each stage in this procedure, the school aims to resolve the complaint.

The designated officer (at Stage 1) and the review panel (at Stage 2) will consider the complaint, and all the evidence presented and will either:

- Uphold the complaint, in whole or in part; or
- Dismiss the complaint, in whole or in part.

If the complaint is upheld in whole or in part, the designated officer designated officer (at Stage 1) and the complaints panel (at Stage 2) will:

- Decide on the appropriate action to be taken to resolve the complaint.
- Where appropriate, recommend changes to the school's policies, procedures or systems to prevent similar issues in future.

In addition, the school may offer one or more of the following:

- An explanation.
- An admission that the situation could have been handled differently or better.
- An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made.
- An undertaking to review school policies, procedures or processes considering the outcome of complaint.

Withdrawal of a complaint

A complaint can be withdrawn at any point in the process. The school may ask for the complainant to confirm this withdrawal in writing.

Complaints to the Department for Education (After Stage 2)

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 after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They will consider whether the 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.

Appendix A: Key Contacts

Name and position	Email address
Claire Stewart Headteacher (for all formal complaints, except for those outlined below)	cstewart@malmesbury.towerhamlets.sch.uk
Danny Hassell Chair of Governors (for complaints regarding or involving the Headteacher or a governor)	chairofgovernors@malmesbury.towerhamlets.sch.uk
Tracey Lee Clerk to the Governors (for complaints regarding the Chair of Governors or the Governing Body as a whole)	traceylee@icloud.com

You can also contact all the above in writing via the school office. Please mark any correspondence as Private and Confidential and include their name to: Malmesbury Primary School, Coborn Street, London, E3 2AB.

Appendix B: Complaint Form

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Please give details of your complaint, including how this has affected you

Have you already discussed this matter with the school?

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

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

Signature:

Date:

Official use

Received by the school on:

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix C: Roles and Responsibilities

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- 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
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- 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
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the designated officer or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The designated officer (at Stage 1) or complaint review panel (at Stage 2) will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator (this could be the headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure

- be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records on complaints and their outcomes.

Clerk to the Governing Body

The Clerk is the contact point for the complainant and the complaint panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

Review Panel Chair (Stage 2)

The review panel's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date
- if a meeting is held, that it is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant

- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

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 meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

Review Panel Member (Stage 2)

Panel members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should 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/carer is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent/carer should be advised that agreement might not always be possible if the parent wishes the child/young person to

attend a part of the meeting that the panel considers is not in the child/young person's best interests. The welfare of the child/young person is paramount.

Appendix D: Managing Serial and Unreasonable Complaints

Malmesbury Primary School ('the school', 'we') 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 our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The school defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process;
- refuses to accept that certain issues are not within the scope of the complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- introduces trivial or irrelevant information which they expect to be taken into account and commented on;
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;

- knowingly provides falsified information;
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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 ask them to change it. For complainants who excessively contact the 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 be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the school premises.