



**Mosaic**  
JEWISH PRIMARY SCHOOL

# Complaints Policy

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## **1 THE KEY PRINCIPLES OF THE POLICY**

### **1.1 Legal context**

This policy has been developed in accordance with Schedule 1 to The Education check with Alma (Independent Schools Standards) Regulations 2010 which requires independent schools to have in place a procedure to deal with complaints.

### **1.2 The manner in which complaints are to be handled**

All parents of children in independent schools must have access to a written complaints procedure. Complaints should be investigated, properly considered, and the findings should be made known to the governing body, head teacher, complainant and others about whom a complaint has been made.

All independent schools must have a written complaints procedure which is available to parents of pupils and of prospective parents at the school. Some schools may include this information in the School Prospectus.

The required provisions of the complaints procedure are as follows:-

- a) it must set out clear timescales for every stage
- b) it must allow for a complaint initially to be made and considered on an informal basis;
- c) if the complainants are not satisfied with the informal approach the school should make provision for the complaint to be made in writing
- d) if the complainants wish the matter to be considered further the procedure should make provision for a hearing before a panel of at least 3 people who were not directly involved in previous consideration of the complaint.
- e) where a panel hearing is convened, one person on the panel must be independent of the management and running of the school. The governing body is responsible for the appointment of the panel. The procedure must set out clear timescales for the management of the complaint i.e. providing adequate notice of the hearing etc.
- f) parents must be allowed to attend and be accompanied to a panel hearing if they wish.
- g) it must provide for the panel to make findings and recommendations, and ensure that the complainant, proprietors, head teachers, and, where relevant, the person complained about, are informed of any findings and recommendations.
- h) written records must be kept of all complaints and their outcomes, whether they were resolved at the preliminary stage, when a complaint is submitted in writing or whether they proceeded to a panel hearing.

- i) all correspondence, statements and records of complaints must be kept confidential but must be shown to HMI/ISI when they inspect. Copies must also be made available to the Registration Authority on request.

### 1.3 Summary

This policy sets out the procedures which the Mosaic Jewish Primary School (MJPS) will follow whenever it receives a complaint.

A summary of the various stages is given below:

	Primary Responsibility
1 Informal discussion and resolution Informal Stage	School Staff
2 Investigation by Headteacher Formal Stage	School Staff
3 Complaints committee review	Governing Body
4 Further recourse	Other

Each of these stages will usually occur in order and there will usually be no return to previous stages (exceptions to this are noted within the procedure).

It is expected that the majority of complaints will be resolved on an informal basis (stage 1).

### 1.4 Circumstances under which this procedure should not be used

This guidance does not refer to areas for which different procedures must be followed and are set out in the relevant policies and procedures. These areas are:

- Temporary withdrawal of pupils from all or part of the national curriculum
- Pupil admissions
- Pupil exclusions

Issues related to child protection, criminal investigations and employee grievances must also all be handled separately from this policy.

This complaints policy is distinct from formal staff disciplinary proceedings and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures.

If another policy is more appropriate than this complaints policy for any given situation then it should be used in preference to it.

This policy does not cover complaints made against Wandsworth Council. Any complaint of this sort should be dealt with in accordance with the Council's Corporate Complaints Procedure.

### **1.5 Circumstances under which stages of the procedure should be missed**

This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative statutory procedures (see above). In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally (stage 1) before being submitted at any of the following consecutive formal stages. However, occasionally there will be circumstances under which it is unsuitable for complaints to be dealt with in this way.

In all cases where the complaint concerns the school's Headteacher directly, stage 2 will be missed out and the formal complaints procedure will begin at stage 3.

In some cases, it may be deemed inappropriate for individuals to discuss their concerns informally. In such cases, complainants may be directed to contact the Headteacher directly (i.e. begin at stage 2). Complainants may choose to contact the Headteacher directly of their own accord. In these cases it will be at the discretion of the Headteacher as to whether or not it is appropriate for the complainant to discuss the matter informally (i.e. return to stage 1).

### **1.6 Who is allowed to complain?**

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean the parents and carers of the school's pupils, but may include neighbours of the school, or any other members of the local community.

### **1.7 Aims of the policy**

This complaints policy aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the school.

### **1.8 Monitoring complaints**

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant;
- The date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint).

The school may choose to appoint a member of staff as a 'complaints co-ordinator'. When this is the case, this individual will have the responsibility for the operation and management of the school complaints policy and will be responsible for monitoring complaints. Records should be retained for the periods specified in guidance on records retention (available separately).

### **1.9 Upholding or not upholding complaints**

At each stage of the complaints procedure, the conclusion will be either:

- a) That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken. Or
- b) That the complaint is not upheld and reasons for this are clearly given.

In the first instance, it may be appropriate to offer one or more of the following:

- 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.

In the second instance, the complainant may either choose to take no further action or to take their complaint to the next relevant stage.

### **1.10 Publicity and communication**

There is a legal requirement for schools to publicise their complaints procedures. This will be met within the following:

- the governors' report to parents;
- the information given to new parents when their children join the school;
- the information given to pupils at the school;
- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance.

All staff and members of the governing body should be made aware of the complaints procedure and the various stages involved.

At all stages of the complaints procedure, everybody involved needs to be clear about what is happening and what their responsibilities are. In addition, the complainant should be told how to proceed to the next stage of the procedure if and when their complaint is not upheld.

### **1.11 Confidentiality**

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

### **1.12 Equal access, accompaniment and representation**

Appropriate steps should be taken to ensure that any individual has the opportunity to raise their concerns or submit a formal complaint. This includes the right to be accompanied or represented by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf. Should any meeting need to be held where any parties would have difficulties in terms of access, a more appropriate venue will be sought.

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood.

### **1.13 Time between stages**

Although each of the stages within the procedure should occur consecutively, it is not necessary for each stage to immediately follow the last. Complainants may need some time to decide whether or not they wish to pursue the matter any further.

After each stage, the complainant and the individual who is dealing with their complaint at that time should agree an appropriate time limit within which the next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time limit it should be considered as closed.

### **1.14 Changes to time limits and deadlines**

In general, the time limits and deadlines contained within this policy should be adhered to. However, in certain circumstances it may be deemed inappropriate or impossible to guarantee that this is possible. Where a complaint leads to criminal proceedings this will always be the case.

If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant should be told and given an explanation as to why this has been the case.

### **1.15 Appeals**

If at any stage, as the result of a complaint, a decision or course of action is taken with regards to an individual (apart from the complainant) which they feel is ungrounded, unjustified or incorrect they have the right to appeal.

### **1.16 Vexatious Complaints**

The Chair of governors can write to a complainant and refuse to consider their complaint at stage 3 if he or she feels that there are insufficient grounds to do so, if the complaint has already been considered at this stage or if it has been closed.

## **2 STAGE 1: INFORMAL DISCUSSION**

### **2.1 Introduction**

The vast majority of concerns and complaints can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints.

When a complaint is made directly against the school's Headteacher, stage 2 is not required and the formal procedure begins at stage 3.

### **2.2 Who to speak to informally**

The complainant should raise and discuss their concerns/issues, typically, with their child's class teacher. Most concerns can be resolved satisfactorily at this stage. However, the staff member may feel it more appropriate to refer the complainant to a more senior or experienced member of staff who will try to resolve the concern informally.

### **2.3 Monitoring**

It is not necessary to record or monitor complaints at this level.

### **2.4 Time scales**

There are no specific time scales for dealing with concerns at this stage. However, as at all stages, issues should be considered and dealt with as quickly and effectively as possible.

### **2.5 Response**

The individual who raised the issue should be informed of any action to be taken to resolve the issue. If appropriate, this might be confirmed in writing.



### **3 STAGE 2: REFERRAL TO HEADTEACHER**

#### **3.1 Contacting the Headteacher**

If the complainant remains unhappy, they should then contact the Headteacher either by arranging an appointment to see them or putting their concerns in writing. The Headteacher (or their nominated representative) will then investigate the concerns and respond within agreed timescales.

#### **3.2 Timing**

An acknowledgement will be made of the concern/complaint within five school working days. The Headteacher will respond to the issues raised within 15 school working days of receiving the complaint. If it is not possible to meet these timescales, then the headteacher will contact the complainant to discuss reviewing these.

#### **3.3 Response**

The Headteacher will meet with the individual and discuss their concerns and wishes. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the individual's complaint will be dealt with by this policy or another statutory procedure and advise them on what they will need to do.

If the concern or complaint is against the headteacher, in the first instance the complainant will need to write in confidence to the chair of governors at the school. The chair of governors will seek to resolve the issue informally before, if necessary, implementing a formal complaints procedure.

#### **3.4 Options for complainant**

If the Headteacher is unable to resolve the concern to the satisfaction of the complainant, the complainant may write to the chair of governors at the school. The chair of governors will acknowledge the complaint within five school working days and arrange a panel of governors to be formed to hear the complaint (within agreed timescales). These governors will have no previous involvement or knowledge of the case. The chair/clerk of the complaints panel will contact the complainant with the arrangements. Both parties may bring their representative with them.

#### **3.5 Monitoring**

As the complaint may lead to the formal complaints process, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document.

## **4 STAGE 3: REFERRAL TO THE CHAIR OF GOVERNORS**

### **4.1 Submitting a formal complaint**

By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this policy and should be formally submitted in writing to the Chair of Governors. As indicated within the 'equal access, accompaniment and representation' section of this policy, all complainants have the right to submit formal complaints, at this or any stage, which have been written by another individual on their behalf.

### **4.2 Acknowledgement and time scales**

The Chair of Governors should formally acknowledge the complaint within 3 school days of receiving it and begin an investigation.

### **4.3 The investigation**

The Chair of Governors or their representative will need to investigate the complaint and review any relevant documentation and information. If necessary witnesses will need to be interviewed and statements taken from those involved. If the complaint centres around a pupil, the pupil will also usually be interviewed.

As indicated within the 'equal access, accompaniment and representation' section of this document, all individuals have the right, at this or any other stages, to be accompanied or represented by a friend or relative at discussions and hearings. This includes the right of teachers to be accompanied by a representative from their Trade Union.

When pupils are interviewed, an additional member of staff should always attend.

### **4.4 Response**

The Chair of Governors or their representative who has conducted the investigation will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken.

### **4.5 Options for complainant**

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be referred to the school's complaints procedure and accompanying public guidance leaflet and told how to move on to the next stage.

## **5 STAGE 4: REVIEW BY GOVERNING BODY COMPLAINTS COMMITTEE**

### **5.1 Introduction**

Complaints only rarely reach this formal level, but it is important that governing bodies are prepared to deal with them.

Upon receiving a formally submitted complaint at this stage the Chair of governors will usually choose to deal with it by holding a complaints committee hearing. However, in some cases, it may be possible and appropriate for the Chair of governors to resolve the issue with the complainant by other means without the need for a complaints committee review.

The complaints committee must be clerked. The clerk may be a member of the school staff, the clerk to the governing body or another governor. If required, the school's legal adviser will offer support and guidance to the clerk, the Chair of governors and/or the members of the complaints committee on procedural issues but will not normally play any part in reviewing the details of the complaint itself.

When stage 2 has been missed out, this is the first stage under which a formal complaint about the Headteacher will be dealt with.

Appendix 1 summarises the key roles and responsibilities of the complaints committee.

### **5.2 The committee**

The school governing body will annually agree five governors who will be able to form part of a complaints committee if and when this becomes necessary at any point. The three governors appointed to the complaints committee in any case will usually be chosen from this group of five.

The committee will generally consist of three governors who have not previously been involved with dealing with the complaint. The committee should elect its own chair.

### **5.3 Submitting a formal complaint**

The complainant must submit a written request to the Chair of governors for their complaint to be considered by a complaints committee.

### **5.4 Acknowledgement and time scales**

The Chair of governors should acknowledge receipt of this letter as soon as possible but no more than ten school days by writing to the complainant. This letter will inform them that their complaint will be heard by a complaints committee within 15 school days.

### **5.5 Preparation**

The Chair of governors will then contact the clerk and ask him or her to begin making preparatory arrangements.

The clerk will convene a meeting of the complaints committee. The membership of the complaints committee will be confirmed, a date and time will be arranged for a hearing and all existing relevant documentation will be given to the three appointed governors.

The clerk should then formally write to the complainant, the Headteacher and any other relevant staff or witnesses and inform them:

- Of the date, time and venue of the hearing;
- Of the aims and objectives of the hearing and how it will be conducted;
- That any documentation they wish the committee to consider must be returned to the Clerk no later than 5 school days before the hearing takes place;
- Of the rights of equal access, accompaniment and representation as set out within this document;
- How and when the committee will reach their decision.

It is the responsibility of the clerk to ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

## **5.6 The hearing**

The hearing should allow each party involved to explain their understanding or interpretation of events and for other parties to question them. The hearing will, therefore, usually operate according to the following format:

- The chair will introduce all parties to one another and explain the principles, objectives and format of the hearing
- The complainant will be given the opportunity to explain their complaint. Following this the Headteacher and the complaints committee will be allowed to ask the complainant questions.
- The Headteacher will then be given an opportunity to explain the school's official response, interpretation or view about the complaint. Following this the complainant and committee will be allowed to question the Headteacher.
- Every party will be given the opportunity to call witnesses and question witnesses called by other parties.
- The Headteacher and the complainant will both be given the chance to give final statements.
- The hearing will be concluded by the chair who should explain that the committee will consider its decision and write to both parties within 5 school days informing them of the outcome.

This format will need to be altered under certain circumstances, including instances where someone other than the Headteacher, has played an investigating role. Ultimately, the chair of the meeting has control over its proceedings.

## **5.7 After the hearing**

The committee will then consider the complaint and all the evidence presented and:

- Reach a unanimous, or at least a majority decision, on the complaint;
- Decide upon the appropriate action (if any) to be taken;
- Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again.

This information will be included in both the letters to the Headteacher and the complainant.

## **5.8 Options for complainant**

If the individual is dissatisfied with the response they have been given and would like to take their complaint further, they should be advised of their right to contact the Local Government Ombudsman and Secretary of State for Education.

# **6 STAGE 5: THE LOCAL GOVERNMENT OMBUDSMAN AND SECRETARY OF STATE**

## **6.1 Introduction**

Individuals have the right to contact to the Local Government Ombudsman or the Secretary of State for Education with regards to the way their complaint has been handled.

## **6.2 Complaining to the Local Government Ombudsman**

If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, they can take this to the Local Government Ombudsman. The Ombudsman can investigate complaints about how something has been done but he or she cannot question what has been done simply because someone does not agree with it. The Ombudsman cannot investigate the internal management of schools or colleges.

## **6.3 Contacting the Local Government Ombudsman**

Local Government Ombudsman  
21 Queen Anne's Gate  
London SW1H 9BU

For information on how to make your complaint, write to the Ombudsman's office or phone the Advice line on 0845 602 1983 or 0300 061 0614.

You can also use the Internet to see the Local Government Ombudsman web site at [www.lgo.org.uk](http://www.lgo.org.uk)

#### 6.4 Complaining to the Secretary of State

The DfE National Enquiry Line can be contacted on:

Telephone: **0870 000 2288** Fax: **01928 79 4248**

Web site: **[www.education.gov.uk](http://www.education.gov.uk)**

By post:

Rt Hon Damian Hinds MP  
Secretary of State for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

#### ACCEPTED & APPROVED BY THE FULL GOVERNING BODY

<b>Chair of Governors:</b>	
<b>Head Teacher:</b>	
<b>Date:</b>	

## **APPENDIX 1**

### **Review by Complaints Committee – Key Roles and Responsibilities**

#### **The Role of the Clerk**

The clerk organises the complaints committee review. He or she will need to:

- Set the date, time and venue of the review, 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 parties in advance of the review;
- Meet and welcome the parties as they arrive at the review;
- Record the proceedings;
- Notify all parties of the committee's decision.

#### **The Role of the Chair of Governors**

The Chair of Governors should:

- Check that the correct procedure has been followed;
- If a review is appropriate, notify the clerk to arrange the committee.

#### **The Role of the Chair of the Complaints Committee**

The chair of the complaints committee has a key role. He or she will need to ensure that:

- The remit of the committee 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 speak at such a review are put at ease;
- The review is conducted in an informal manner with each party treating the other with respect and courtesy;
- The committee is open minded and acting independently;
- No member of the committee 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.

The chair of the complaints committee needs to ensure that the complainant is notified of the committee's decision, in writing, with the committee's response within 5 school days. This letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.