

Magdalen Court School



**Complaints Policy and
Procedure**

**Approved by Trustees
October 2022**

**To be reviewed
October 2024**

Rationale – Magdalen Court School Complaints Procedure

Whilst we are very proud of our school, we know that no one gets things right all the time. We are committed to working with you to provide the absolute best for all of our children and this includes responding quickly and proportionately to concerns that you raise. We believe that learning is a lifelong endeavour, and we have systems in place to monitor any concerns and complaints received so that we can evaluate how quickly we resolved matters and how effective the resolution was and use this to improve our practices.

The following sets out how we will work with you to resolve any concerns that you raise as quickly and as effectively as possible. Mediation can be considered at any point in the process (see page 2). This policy applies to visitors, volunteers, contractors and parents and carers of pupils currently attending the school.

School Resolution (Informal Stage) If you are concerned or unhappy with the way the school or a member of its staff has treated you, or you are concerned or unhappy with the way the school is operating its policies and procedures, then you can raise your concerns or make a complaint. Usually, the best way to deal with a concern or complaint is for the member of staff, headteacher or school trustee to talk with you so that they can understand what your concern or complaint is about and take any appropriate action to put things right. The school will determine who is most appropriate to carry this out depending on the nature of the concern. The person dealing with your concern may also want to take the opportunity to explain what has happened from the perspective of the school or staff member involved. Low level concerns or complaints can be dealt with quickly and effectively by the headteacher or a trustee using this approach, which is known as a 'School Resolution' This way of dealing with your concern or complaint means solving, explaining, clearing up or settling your concern or complaint directly with you. It will not result in conduct of capability action being taken against an individual member of staff, and the complaint will be closed after the process is completed.

All school staff will be made aware of the complaints procedures and are expected to review this policy regularly so that they are familiar with the process and can be of the most assistance when an issue is brought to their attention.

This policy does not apply to complaints relating to:

- Pupil admissions;
- Pupil exclusions;

- Statutory assessments of Special Education Needs (SEN);
- Matters likely to require a Child Protection Investigation.

Each of the above follows its own process of complaints and appeals which are outlined in their relevant policies. These can be provided upon request.

How to raise a concern or make a complaint

If your concern or complaint is about a member of staff, you should first raise this with the headteacher either in person or in writing, and appropriate arrangements can be made.

If your concern or complaint is about the headteacher, you should raise your concern in writing with the Chair of Trustees.

If your concern or complaint is about a Governor, you should raise your concern in writing with the Clerk to the Trustees.

Time Scales

You must raise a complaint as soon as possible or within three months of when the incident occurred. The school will consider complaints made outside of this time frame if exceptional circumstances apply.

The school will consider complaints made outside of term time to have been received on the first school day after the holiday period.

How does the School Resolution process work?

Once you have raised your concern or complaint, the person who is looking into it will contact you within 5 working days (in term time). They can arrange to talk to you face-to-face, on the telephone, or they can contact you by letter or email if you prefer.

For your part, you will need to:

- Tell the school what happened and how you felt about it
- Say what action you would like to see taken as a result
- Agree the process for resolving your concern or complaint

This School Resolution process is not about apportioning blame or about staff being dealt with through formal conduct or capability procedures – schools are centres of

learning for everyone, and it is about learning from what has happened and working with you to make sure it does not happen again.

For its part, the school will:

- Listen to your concerns
- Explain what can happen to resolve your concern or complaint
- Confirm with you the process that will be followed and who will deal with it
- If necessary, carry out a more detailed investigation into your concern or complaint. This is called a 'School Investigation' (see section on 'School Investigation' at the end of this document)
- Provide information for parents and carers of children with SEND (Special Educational Needs and Disability) about how they can access support from The Devon Information Advice and Support service (this is a requirement in the SEND Code of Practice) www.devonias.org.uk 01392 383080, devonias@devon.gov.uk What can I expect from the School Resolution

Informal Process

Most concerns or complaints can be resolved by talking to the member of staff concerned. If an appropriate resolution cannot be sought at this informal stage, or if you are dissatisfied with the outcome following the initial discussions, you can make a formal complaint in writing to the headteacher.

A Governor should not be made aware of a potential complaint as they may be required to sit on a panel in the event of a formal hearing, therefore, if your complaint is initially made to a Governor, the complaint will be referred to the appropriate person. If your concern or complaint is an expression of dissatisfaction with something the school has either done or not done, and not about somebody – for example, about the way the school operates its policies or is direct to fulfil its statutory obligations – then it will still be resolved using this 'School Resolution' approach.

Mediation

Sometimes during the handling of a complaint, communication between parents and the school can become difficult. Mediation can be a very useful way of helping people to resolve their differences and find an agreed way forward. Both parties need to agree to mediation. The school (or the parent) may suggest mediation if communication becomes a problem. Mediation can be sought at any point during the processes of resolution and investigation. The mediation process is informal,

impartial, and voluntary, and aims to resolve conflicts to the benefit of all. It does not apportion blame and concentrates on developing a better understanding of each other's point of view and works to secure future relationships. For more information, please contact: 07966 474364. For issues raised relating to SEND (Special Educational Needs and Disability) resources, specialist mediation is a requirement in the SEND Code of Practice. For more information please contact The Devon Information Advice and Support service:

devonias@devon.gov.uk

There are different ways of dealing with the concern or complaint using The School Resolution Process. These include:

- Immediate resolution by providing information face-to-face or by telephone, as you choose
- A letter from the school concluding the matter after proportionate consideration, explaining what has been done
- Individual communication between you and the person your concern or complaint was about and/or a face-to-face meeting with the person your concern or complaint was about. The person your concern or complaint was about will need to agree to a face-to-face meeting taking place.

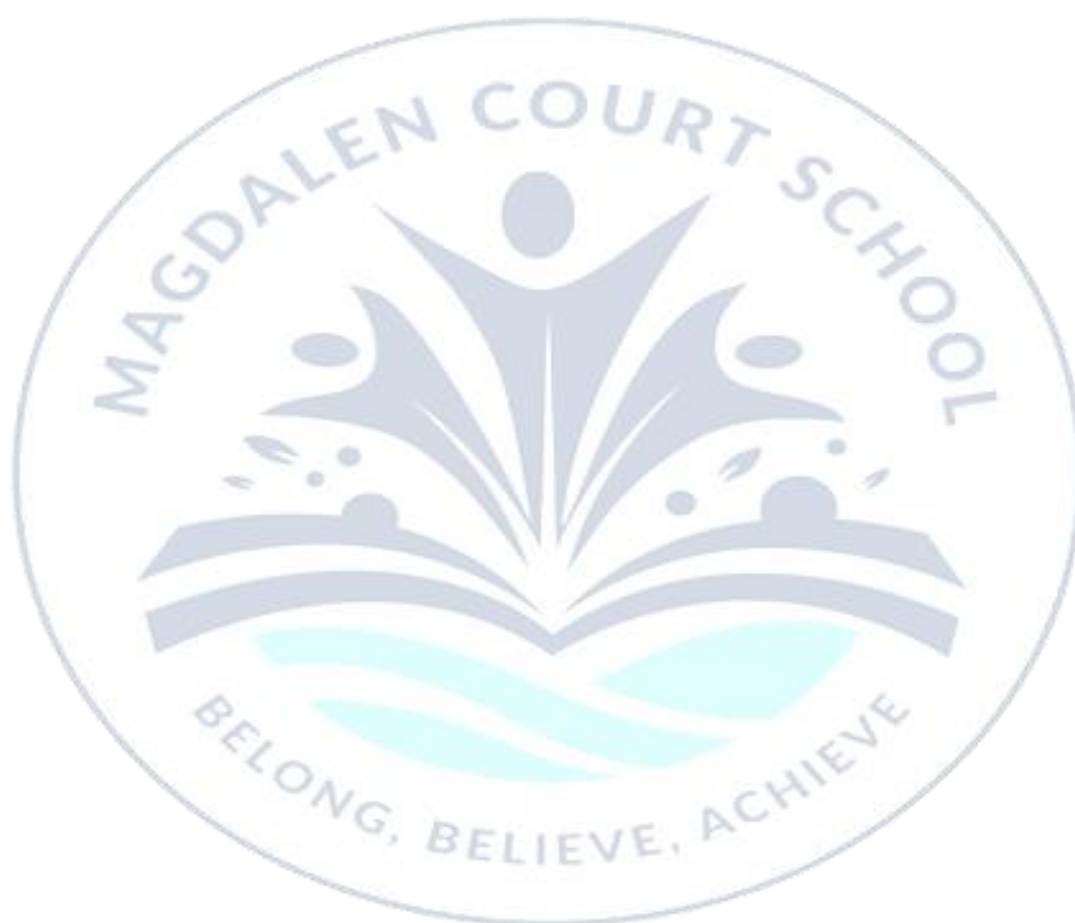
When the named person has looked into your concerns you will receive further communication from the school within 10 working days of the original concern being raised. However, if the concern is complex, the person working on the School Resolution may contact you to let you know that more time is needed to look more fully into the matter.

What might happen as a result?

The school could take the following actions to resolve your concern or complaint:

- Give you information or an explanation to clear up a misunderstanding
- Apologise on behalf of the school
- Learn from the issue, accepting that something could have been handled better and explaining what has been done to stop the same thing happening again
- Arrange action by the headteacher to address an issue with a member of staff through support and development
- Apologise on behalf of the person your concern or complaint was about but only if they agree to this

- Arrange action by the Trustee Board to address matters of policy or procedure



School Investigation

The Formal Complaints Procedure (Stage 1, 2 and 3)

If the complaint is about the headteacher or one of the trustees, then any letter of complaint should be addressed to the Chair of Trustees c/o the school. If the complaint is about the Chair of Trustees, then this should be addressed to the vice chair of Trustees.

Stage 1 will be carried out by the headteacher, a delegated member of staff or a trustee in school. If the complaint relates to the headteacher the complaint will be investigated by a governor.

Although this is a formal investigation into your complaint, it will be in the spirit of quickly reaching an effective outcome and maintaining positive and productive relationships. All parties need to work together to maintain productive relationships and establish a way forward in partnership. This investigation may call for more information to be gathered before the person investigating can explain what has happened from the perspective of the school or the staff member involved. This way of dealing with your concern or complaint means solving, explaining, clearing up or settling your complaint directly with you, but doing so with a more detailed investigation than at a School resolution level.

Once you have raised your concern or made your complaint, the headteacher, or the investigating officer (IO) appointed by the headteacher, will contact you within 5 working days (term time). They can arrange to talk to you face-to-face, on the telephone or they can contact you by letter or email if you prefer.

For your part, you will need to:

- Tell the school what happened in writing and how you felt about it
- Say what action you would like to see taken as a result
- Agree the process for resolving your concern or complaint
- Agree timescales and pathways for communication

For its part, the school will:

- Listen to your concerns
- Explain what can happen to resolve your concern or complaint and if appropriate a plan of action

- Confirm with you the process that will be followed and who will deal with it
- Carry out a more detailed investigation into your concern or complaint
- Produce and supply all parties with a written report of the findings
- Ensure that any relevant findings are taken forward to influence school practice and policy

What can I expect from a School Investigation

Some concerns or complaints may demand a more detailed investigation; therefore you should expect an approach that is proportionate to the complaint you have made. The IO should keep in regular contact to keep you informed of progress on the matter. Nevertheless, the School Investigation process aims to quickly resolve your concern or complaint and identify any learning from it.

What happens next?

Your concern or complaint will be the subject of a proportionate investigation. This means that the amount of time dedicated to the matter will be in accordance with the seriousness of the matter.

At the conclusion, one of a number of things **may** follow.

These include: -

- Resolution by providing information face-to-face or by telephone – as you choose
- A letter from the school concluding the matter after a proportionate investigation and explaining what has been done
- If your complaint was about an individual, individual communication between you and that person. This is organised through the headteacher or the person dealing with the complaint
- A face-to-face meeting with the person working on your concern or complaint and/or the person your complaint was about. The person your concern or complaint was about will need to agree to a face-to-face meeting taking place

The School Investigation should be completed within 10 working days when you will receive a letter explaining the findings and any actions that may need to happen as a result. However, in complex matters it may take longer.

The IO will keep in regular contact with you to keep you informed of progress.

What might happen as a result?

The school could take the following actions to resolve your concern or complaint and will provide feedback to you on such actions:

- Give you information or an explanation to clear up a misunderstanding
- Apologise on behalf of the school
- Learn from the issue, accepting that something could have been handled better and explaining what has been done to stop the same thing happening again
- Arrange action by the Trustee body to address matters of school policy or procedure
- Arrange feedback and support by the headteacher to address any issues arising about a member of staff and their actions or behaviour

Stage 2 If you are dissatisfied with the outcome of Stage 1, you may lodge your complaint with the Chair of Trustees in writing. Your complaint should be lodged within 10 school days of the outcome of Stage 1, clearly explaining your concerns and setting out the actions you feel would be necessary to resolve the complaint.

The Chair of Trustees will respond to you in writing within 10 school days, outlining any action that has or will be taken. If the outcome is no further action will be taken, they will explain how they reached this decision and your right to appeal.

Appeal Against the Decision Following the School Investigation (Stage 3)

The School Investigation stage of this complaint's procedure includes an appeal process should you not be satisfied with the outcome of the investigation. Following our initial investigation, we will write to you to let you know of your right to appeal and you will have 20 working days to let us know if you would like to do so. (This does not include school holidays where there may be no one in school to respond to your request)

If you decide you would like to appeal, we will invite you to attend an appeal meeting and if the date is inconvenient, we will provide an alternative date.

You will also receive any paperwork that relates to the initial school investigation 7 days in advance of the appeal meeting.

Whilst this is part of the formal complaint's procedure, we aim to make the meeting as informal as possible so that all parties can put forward their views in a positive and respectful manner.

When the appeal panel has considered all the information made available to them, they will make a decision and inform you in writing of the outcome within 5 working days.

You are entitled to be accompanied at the hearing by another parent, friend or a relative. If you wish to bring a companion, please inform the school office of their name as soon as possible.

The Appeals Panel

The appeals panel will be made up of between three to five members of the Trustee Body, which will include at least one person independent of the management and running of the school.

No member of the Trustee Body can sit on the appeal panel if they have had any involvement in the case that is being dealt with at that time. All panel members will be familiar with and have access to the complaints policy.

Sometimes when a complaint is very complex, and has taken a lot of time, it may be that the Trustee body may have difficulty assembling an appeal panel that fits the criteria of having had no prior knowledge of your complaint. In this case you may request that the school source an independent panel to hear the final stage of your complaint.

Appeals Procedure

The procedure of an appeal is usually as follows:

- The chair will introduce the panel and outline the process;
- The complainant will explain the complaint;
- The headteacher and panel will question the complainant;
- The headteacher will explain the school's actions;
- The complainant and panel will question the headteacher;
- The complainant will sum up their complaint;
- The headteacher will sum up the school's actions
- The chair will explain that both parties will hear from the panel in writing within 10 school days;

- A decision will be made.

The chair of the panel will notify the complainant of the panel's decision in writing within 10 school days of the appeal hearing. The letter will set out the decision of the panel and its reasons for enforcing that decision. The letter may set out recommendations which will be made to the Governing Body.

The Appeals Panel may:

- Dismiss all or part of the complaint;
- Uphold all or part of the complaint;
- Decide on the appropriate action to be taken to resolve the complaint;
- Evaluate all the evidence available and recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future.

Following the appeal panel meeting the complaints procedure is complete.

If you are still unhappy with the way the school has managed your complaint, you can submit a complaint to the Department for Education online at www.gov.uk/complain-about-school

Or write to:

School Complaints Unit

Department of Education

2 nd Floor, Piccadilly Gate

Store Street

Manchester M1 2WD

National helpline: 0370 000 2288

Please remember that the school is committed to resolving your concerns wherever possible and that where this is proving complex, mediation is a powerful method of resolving matters.

Vexatious Complaints

Where you contact the school to re-open an issue which has already been dealt with under the complaints policy, the Chair of Governors will contact you to inform you that the matter has already been dealt with and the matter is considered closed. Where further correspondence is received on the same matter, this may be

considered vexatious, and the school will be under no obligation to respond to that correspondence.

Records and Monitoring Complaints

The school will record all complaints, the actions taken at all stages and the outcome to determine whether they could have been managed differently or more effectively, to ensure that similar problems are avoided in the future.

All records will be treated as confidential and will be kept securely for as long as reasonably necessary and in accordance with the data protection act (GDPR).



Complaints Form

Please complete and return to the Administration Office at the following email address: office@magdalencourtschool.co.uk

Your name: _____ Pupil's name: _____
Your relationship to pupil: _____

Address:

Postcode:

_____ Daytime 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:

