

**Policy Title: Complaints and Compliments  
Procedure**

**Mortimer**



**Leader: Mr S Hignett**

**Review Date: Sept 2024**

# COMPLAINTS

## SECTION 1

### Introduction

#### 1.1 Legal context

From 1 September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints.

The School Standards and Framework Act 1998 provided an additional function of the Governing Body to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

#### 1.2 Summary

This document sets out the procedures which Mortimer Community College will follow whenever it receives a complaint for which there are no alternative statutory procedures (see section 3).

A summary of the various stages is given below:

			<b>Responsibility</b>
1	Informal discussion and resolution	Informal stage	School Staff
2	Investigation by Headteacher	Formal stage	School Staff
3	Complaints committee review	Formal stage	Governing Body
4	Further recourse	Formal stage	Other

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

This document does not refer to areas where different procedures must be followed. These areas are:

- Complaints about the National Curriculum
- Collective worship
- Religious Education
- Non-approved external qualifications or syllabuses
- Temporary withdrawal of students from all or part of the National Curriculum
- Student Admissions
- Student Exclusions

Issues relating to child protection, criminal investigations and employee grievances must also be handled separately from this procedure.

This complaints procedure is also distinct from formal staff disciplinary proceedings. There may be occasions where a complaint gives rise to disciplinary procedures which puts 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 procedure.

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

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

This document 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 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 advised to contact the Headteacher directly (begin at stage 2).

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

This procedure may be used by anyone who has a complaint about any aspect of the school. In the main this will mean the parents and carers of the students but may also include school staff and members of the local community.

#### **1.6 Aims and objectives of this procedure**

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that complaints 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.

#### **1.7 Monitoring Complaints**

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

- Name of the complainant;
- Date and time at which the complaint was made;
- Details of the complaint;
- Desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any actions taken;
- Complainant's response (satisfaction or further pursuit of complaint).

The school complaints co-ordinator (Mr S.Hignett) will have the responsibility for the operation and management of the school complaints procedure and will be responsible for monitoring complaints.

## **1.8 Upholding or not upholding complaints**

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

1 That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken.

OR

2 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

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

## **1.9 Confidentiality**

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.

## **1.10 Time limits**

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 school complaints co-ordinator 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 time limit it should be considered as closed.

In general, the time limits and deadlines within this procedure should be adhered to. However, in certain circumstances it may be deemed that this is inappropriate or impossible. In this situation, the complainant should be informed and given an explanation.

## **1.11 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 unjustified or incorrect they have the right to appeal.

## **1.12 Vexatious Complaints**

If properly followed, this procedure should limit the number of complaints that become protracted. However, there may be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied.

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

### **1.13 Unreasonably persistent complainants and unreasonably complainant behaviour**

Reference will be made to the Guidance note on 'unreasonably persistent' complainants and 'unreasonable complainant behaviour' from The Commission for Local Administration in England.

## **SECTION 2**

### **Stages of the Complaints Procedure**

#### **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 Headteacher, stage 2 is not required and the formal procedure begins at stage 3.

##### **2.2 Who to speak to at the informal stage**

Individuals should initially speak to the school complaints co-ordinator if at all possible. If this is an issue and the complainant would prefer to speak to another member of staff then this can be arranged. The ability to consider the complaint objectively and impartially is the crucial issue.

If the first approach is to a governor, then the governor should refer the complaint to the complaints co-ordinator. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or to be involved in the early stages in case they are needed to sit on a panel at a later stage of the procedure.

##### **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 the individual is dissatisfied with the response they have been given and would

like to take their complaint further, they should be referred to this complaints procedure and told how to move on to the next stage.

## **Stage 2: Referral to the Headteacher**

### **2.6 Informal discussion with the Headteacher**

Before proceeding with a formal investigation, the Headteacher will meet with the complainant and discuss their concerns. It may still be appropriate and satisfactory to reach an informal resolution at this point. If not, the Headteacher will decide whether the complaint will be dealt with by this procedure or another statutory procedure and advise them on what they will need to do.

### **2.7 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 procedure and should be formally submitted in writing to the Headteacher using the school complaints form whenever possible (Appendix 1). The Headteacher should formally acknowledge the complaint within three school days of receiving it and begin an investigation.

### **2.8 The investigation**

The Headteacher will investigate the complaint and review any relevant documentation and information. If necessary, the Headteacher will interview witnesses and take statements from those involved. If the complaint centres around a student, the student will also be interviewed. When students are interviewed, an additional member of staff should also be present.

All individuals have the right at this or any of the other stages, to be accompanied or represented by a friend at discussions and hearings. This includes the right of teachers to be accompanied by a representative from their Trade Union.

**The Headteacher may delegate the task of collating the information to the school complaints co-ordinator but not the decision on the action to be taken.**

### **2.9 Response**

The Headteacher will provide the complainant with a full written response within ten 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. If the complainant is dissatisfied with the response and would like to take their complaint further, they should be referred to this complaints procedure and told how to move on to the next stage.

## **Stage 3: Review by the Governing Body Complaints Committee**

### **2.10 The Committee**

The 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 in dealing with the complaint. The committee should elect its own chair.

## **2.11 Submitting a formal complaint and time scales**

The complainant must submit a written request to the Chair of Governors for their complaint to be considered by a complaints committee. The Chair should then acknowledge receipt of this letter within 10 school days by writing to the complainant. This letter will also inform them that their complaint will be heard by a complaints committee within 15 days of the date of this letter. The Chair of Governors will then contact the clerk and ask him or her to begin making preparatory arrangements.

## **2.12 Role of the clerk**

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, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- 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;
- How and when the committee will reach their decision.

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

## **2.13 Complaints Committee Hearing**

The hearing should operate as informally as possible. Many complainants feel nervous and inhibited in a formal setting. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

The hearing should operate according to the following format:

- The clerk should welcome all parties as they arrive at the hearing.
- The chair will introduce all parties to one another and will explain the 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 complainant will then be given the opportunity to call his/her witnesses. Following each witness, the Headteacher and the complaints committee will be given the opportunity to ask questions.
- The Headteacher will then be given the opportunity to explain the school's official response, interpretation or view about the complaint. Following this, the complainant and complaints committee will be allowed to question the Headteacher.
- The Headteacher will then be given the opportunity to call witnesses. Following each witness, the complainant and the complaints committee will be given the opportunity to ask questions.
- The complainant followed by the Headteacher will then 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 10 school days informing them of the outcome.

- Both parties should then leave together while the complaints committee decides on the complaint.

After the hearing the committee will consider the complaint and all the evidence presented and:

- Reach a 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/procedures to ensure that similar problems do not happen again.

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

#### **Stage 4: Further recourse**

Once a Complaints Committee has heard a complaint and it is clear that correct procedures have been followed, that specific complaint cannot be reopened or re-heard. **The matter will then be closed as far as the school is concerned.** The complainant should also be made aware that there is **NO right of appeal to the Local Education Authority** if the complainant is still dissatisfied. If a request is received in this respect, the complainant should be advised that they should write to:

The School Complaints Unit (SCU)  
Sanctuary Buildings  
Department for Education  
2nd Floor, Piccadilly Gate  
Manchester  
M1 2WD



## **COMPLIMENTS**

It is hoped that there will be many occasions on which members of Mortimer Community College will be complimented. Compliments may be given to individuals, groups, classes or to the whole school in general.

Compliments are always welcome and can be made informally directly to the member of staff concerned or directly to the Headteacher or Chair of Governors. The relevant students/staff will then be informed within 5 school days of this compliment.

If a formal compliment is more appropriate a compliments form is available within this document (Appendix 2). This should be completed and sent to the member of staff concerned or to the Headteacher at the following address:

Mortimer Community College  
Reading Road  
South Shields  
Tyne and Wear  
NE33 4UG

# Appendix 1

## Mortimer Community College Complaints Form

Please complete and return to Mr S Hignett (complaints co-ordinator) who will acknowledge receipt of this complaint and will explain what action will be taken.

Your name:

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:

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Official use

Date acknowledgement sent:

Name of person who sent the acknowledgement:

Complaint referred to:

Date:

## Appendix 2

### Mortimer Community College Compliments Form

Your name:

Address:

Postcode:

Telephone number:

Details of your compliment(s) and any actions you feel would be appropriate:

Signature:

Date:

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Official use

Date acknowledgement sent:

Name of person who sent the acknowledgement:

A complaint and compliment file will be held in the main office which will include the outcome of each complaint or compliment.