

# Cherrywood Federation **Complaints Procedure**



This policy, drawn up with guidance by London Borough of Merton and has been adopted by the Governing Body.

Review: In response to guidance from London Borough of Merton

Signed: Harriet O'Connor \_\_\_\_\_ Chair of Governors

Signed: Anita Saville \_\_\_\_\_ Executive Headteacher

Date: November 2024

Date of Next Review: September 2026

## **Background**

Under Section 29 of the Education Act 2002, Governing Bodies of all maintained schools and maintained nursery schools in England are required to have in place a procedure to deal with complaints relating to the school, and to any community facilities or services that the school provides.

The Act also states that such procedures should be publicised.

Local education authorities are required to have a procedure in place to deal with certain types of complaints, e.g. about the curriculum or collective worship in a school. Furthermore, there are certain other complaints which should not be covered by the Governing Body's complaints procedure, such as staff grievances or disciplinary procedures. Third parties who use the school premises to provide services should be required or encouraged to have their own procedures in place to deal with any complaints.

Some useful documents are also given with this procedure:

- A flow chart, depicting the process in simple form
- A model complaints form
- A model letter that could be sent to vexatious complainants. (Vexatious complainants are those who make persistent complaints and can be abusive. While all complaints from such individuals should be dealt with on their merits, where their complaint has been investigated before, they should be notified in writing that their complaint will not be accepted, and why).

## **The difference between a concern and a complaint**

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'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Cherrywood Federation takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, we will refer you to another staff member, generally a phase leader in the first instance

Similarly, if the member of staff directly involved feels unable to deal with a concern, they will 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, Joseph Hood Primary School and Hatfeild Primary School

will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### **General Principles**

1. An effective complaints procedure should be accessible and simple to understand.
2. Complaints should be dealt with confidentially.
3. Wherever possible, a complaint should be resolved informally. This procedure is designed to support this aim.
4. Informal concerns registered should be taken seriously where possible, to prevent them escalating into formal complaints.
5. All stages of the complaints procedure should be investigatory rather than adversarial.
6. An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as child protection issues or allegations of bullying, where the school would involve the appropriate external agencies or else conduct its own internal review to test whether there is any evidence which might trigger a formal investigation.
7. The procedure should include a mechanism for dealing with vexatious complainants. It is advisable that, prior to deciding that a complainant is vexatious, the Headteacher should discuss the matter with a governor involved in complaints handling. Furthermore, care should be taken to ensure that all complaints made by such a complainant are carefully considered, as any new issues that arise should be addressed via the school's procedure.
8. Any governors involved in dealing with complaints should receive training for that role.
9. Schools should be aware that if the complainant feels that the school is acting unreasonably, they may make a complaint to the Secretary of State under sections 496 or 497 of the 1996 Education Act.
10. The school should recognise that it is important that any potential complainant is aware of the correct channel through which to pursue their complaint. Therefore, it is essential that the school publicises their complaints procedure, and ensures that it is readily available to complainants. Similarly, the local education authority should be informed, so that they can assist those people who wish to complain about a school matter.
- 12 Concerns should be raised with either the class teacher or Head of Schools. If the issue remains unresolved, the next step is to make a formal complaint.
13. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.
14. This procedure deliberately excludes a "governor panel" or "hearing" stage where all parties are questioned at the same time. This is in accordance with guidance by the DfES that complaint investigation should not be adversarial.
15. Schools should give an indication of the timescales involved in dealing with complaints. It is recommended that

each stage of the complaint is dealt with within fifteen school days wherever possible. If this is not possible, then the complainant should be fully briefed on when they will receive a response.

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16. Schools should decide how they will keep a record of the complaint and on procedures for monitoring complaints.

17. The London Borough of Merton will conduct an investigation into a school complaint under Stages 2 and 3 of the corporate complaints procedure. However, this will not be carried out until the school has fully exhausted their complaints procedure, and the limited powers of the local authority will be emphasised.

18. Although the procedure states that complainants should put their case in writing if possible, schools should be sensitive to the needs of all individuals, and accept verbal complaints where appropriate.

19. Most complaints made about schools relate to actions or decisions made by members of staff, and the model procedure is designed to deal with these. It is intended that any other complaints, such as those about school policy, should be dealt with under part b) of the procedure.

## **Complaints about the actions of a member of staff other than the Heads of School/Executive Headteacher**

**Informal Stage** – the complainant should communicate directly with the member of staff concerned, either by letter, by telephone or in person by appointment. In our experience, most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress. Staff are responsible for keeping their line managers informed about any complaints and actions as a result of a complaint. Line Managers should be kept up to date and can become involved at this stage to try to resolve the complaint.

**Formal Stage** – if the complaint is not resolved at the informal stage, the complainant must put the complaint in writing (if possible) and pass it to the Head of School who will be responsible for its investigation. The complainant should include details which might assist the investigation, such as names, dates and times of events and copies of relevant documents. The Head of School will conduct the investigation and inform the complainant of the outcome, which may be one of the following:

- There is insufficient evidence to reach a conclusion so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full (some details may then be given of action the school may be taking to review procedures, but details of any disciplinary procedures will not be released).
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential (e.g. where staff disciplinary procedures are being followed).
- Most complaints are normally resolved by this stage.

## **Complaints about the actions of the Executive Headteacher/Heads of School or school policy.**

**Informal Stage** – the complainant should arrange to speak directly with the Headteacher. If the matter is not resolved, if both parties agree, then a third party (e.g. the Assistant Headteacher) could be invited to act as mediator at a further meeting.

**Formal Stage** – if not resolved at the informal stage, the complaint should be put in writing and passed to the Chair of the Governing Body who will investigate the complaint.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

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

instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

The complainant should include all relevant details to assist the investigation. In addition, the complainant could be invited to meet the chair to present oral information or clarify the complaint, or this could be given by telephone. Also, if necessary, the chair should interview witnesses and collect any further information. The Executive Headteacher/Heads of School should be provided with a copy of the complaint and any additional evidence provided. Once s/he has received this information, s/he will be invited to discuss the complaint with the chair.

Once the investigation has been carried out, all parties will be notified of the outcome in writing. The complainant will not be informed of any disciplinary action. If the complainant is not satisfied with the manner in which the process has been followed, or considers that the action of the chair is perverse, or that the chair has acted unreasonably, then s/he should request that the governing body review the chair's handling of the complaint. Any such request should be made in writing (if possible) within two weeks of receiving notice of the outcome from the chair, and include a statement detailing perceived failures.

### **Review process**

The review should be conducted by a panel of three members of the governing body. It will normally be a paper review, but reasonable requests for oral representation should be considered. No member of the panel should have had any previous involvement in consideration of the complaint.

The panel will first receive written evidence from the complainant.

The panel will invite the head and/or chair to respond in writing to the evidence.

The panel may also access the records of the entire complaint

All parties will be notified in writing of the outcome within 7 days. This may be to the effect that:

- There is insufficient evidence to reach a conclusion so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full, but the procedural failure did not affect the outcome significantly, so the matter is now closed.
- The concern was substantiated in part or in full, and governors will take steps to prevent a recurrence or to rectify the situation.
- 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 in light of the complaint.
- An apology.

### **Further Action**

If a complainant believes that the governing body has acted illegally or arbitrarily or not fulfilled its statutory duties, they may make representation to the Secretary of State for Education and Skills.

Furthermore, the complainant has the right to pursue their complaint with the London Borough of Merton, via their corporate complaints procedure.

For further information they should contact the Appeals and Customer Services Officer of the Children, Schools and Families Department on 020 8545 3263 or email [education.complaints@merton.gov.uk](mailto:education.complaints@merton.gov.uk)

### **Complaints against governors and chairs**

The process is similar to other types of complaint; the main difference is who will be involved with the different stages, and who will sit on the panel.

If the complaint is about the chair, an individual governor, or the whole governing board, it should be made in writing to the clerk.

The clerk should select the most appropriate person to manage the complaint:

- For complaints about individual governors, this will usually be the chair
- For complaints about the chair, this could be the vice-chair, or may need to be someone more removed from the situation. In this situation, advice will be sought from Merton Governor Support

For complaints about the entire board, or most of the board, there will be an independent investigator for the formal stage and governors from other schools for the panel hearing.

### **Anonymous complaints**

We will not normally investigate anonymous complaints.

### **Time scales**

You must raise the complaint 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 consider complaints made outside of this time frame if exceptional circumstances apply.

### **Complaints received outside of term time**

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

## Complaints not in the scope of this procedure

This procedure covers all complaints about any provision of community facilities or services by both schools in the Cherrywood Federation, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Merton local authority</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO), John Shelley who has local responsibility for safeguarding or the Early Help Hub. On 0208 545 4226</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint.</p>

	However, the complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If a complainant commences legal action against Hatfeild Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### **Monitoring of this Policy**

The governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. The Headteacher logs all complaints received by the school, and records how they were resolved.

Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the complaints process.

## Cherrywood Federation Formal Complaint Form

Please complete this form and return it, via the school office, to the Executive Headteacher/ Heads of School (or Clerk to the Governing Body), who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name.....

School.....

Relationship with school (e.g. parent of pupil on roll).....

Pupil's Name (if relevant to your complaint):.....

Your address: .....

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Telephone Numbers Daytime.....Evening.....

Email address.....

Please give concise details of your complaint, including all relevant dates, names and facts, to enable the matter to be fully investigated. You may continue on separate paper, or attach additional documents, if you wish.

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What action, if any, have you already taken to try and resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

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**Signed** ..... **Date**.....

SCHOOL USE

Date form received: Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred:

Date

## **Roles and Responsibilities**

### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### **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 headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee 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.

### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee 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.

## **Committee Chair**

The committee'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 in advance of the meeting
- the meeting 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).

## **Committee Member**

Committee 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 committee 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 committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent 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 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 committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

## COMPLAINTS FLOW CHART

### I have a concern or complaint

What should I do?	What will happen?
Discuss your concerns with the class teacher - in writing, on the telephone or in person by appointment	<i>The member of staff concerned will address your issue(s) and/or will ensure you have the information you need if you want to take the matter further</i>
<b>I feel things have not improved</b>	
Discuss your concerns with the class Teacher and Key Stage Manager - in writing, on the telephone or in person by appointment	<i>The member of staff concerned will address your issue(s) with the phase leader and/or will ensure you have the information you need if you want to take the matter further</i>
<b>I'm not satisfied with the response</b>	
Set out your complaint to the Head of School in writing.	<i>Your complaint will be acknowledged and a meeting held within 5 days, with a written response within 7 school days.</i>
<b>I'm not satisfied with the Head of School's/Executive Head's response OR My complaint is about the Head of School/Executive Headteacher</b>	
Set out your complaint in writing to the Chair of Governors	<i>Your complaint will be acknowledged within 3 school days, with a full response within 7 school days</i>
<b>My complaint still isn't resolved</b>	
Write to the clerk of the Governing Body, requesting that your complaint is heard by a complaints committee of governors	<i>The complaints committee will meet within 14 days and will inform you of its findings within 7 days of the meeting. The committee's decision is final.</i>
<b>I'm not satisfied that my complaint has been handled properly</b>	
A complaint can be made to Merton Council through the Children, Schools and Families Departmental Customer Service Officer – contact details are available on the Merton website and in the school complaints policy.	<i>The Council will respond in accordance with its corporate complaints procedure (Stage 2) as set out on their website.</i>
<b>I am still not satisfied with the response</b>	
If you still feel that your complaint has not been answered, you can either write to the Secretary of State for Education or the Local Government Ombudsmen	<i>The Secretary of State can only intervene if a governing body or council hasn't carried out a statutory duty or has acted unreasonably. The Ombudsman only investigates issues of maladministration.</i>

It is always in everyone's best interests to raise any concerns quickly and constructively. This chart illustrates our commitment to work with you to resolve any concerns or issues you have.