



# Complaints Procedure

Governor Responsibility	Full Governing Body
Governor Lead	Chair of Governors
Status & review cycle	Statutory annual
Date	September 2023
Date of next full review	September 2024

## Moon Hall School, Reigate - Complaints Procedure

### Introduction

Moon Hall School Reigate (MHR) endeavours to provide best education possible for all its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and members of the public, and we accept that not all of this will be positive. Where concerns are raised they will be dealt with:

- Fairly
- Openly
- Promptly
- Confidentially

The governing body of MHR has approved the following procedure which explains what you should do if you have any concerns about the school.

### Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. It extends to any other person who is entitled to use the facilities or services that we provide. Unless complaints are dealt with under separate procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

### The difference between a concern and a complaint

It is recognised that from time to time people may have a concern which may not be a complaint. Therefore, it is helpful to explain 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. MHR takes concerns seriously and will make every effort to resolve the matter as quickly as possible. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's class teacher via telephone, email or in person. He/she may be able to address your concerns straight away, or arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the requirements of the General Data Protection Regulation.

However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Head Teacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head Teacher 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 that there are occasions when people would like to raise their concerns formally. In this case, MHR will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### **How to make a complaint**

If you are not satisfied with the response you have received to your concerns and believe the issue has not been resolved; then you can make a formal complaint.

Complaints can be made in person, in writing or by telephone. If there is good reason, they may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent of the complainant to do so.

Complainants **should not** approach individual governors to raise concerns or complaints except as provided under this Complaints Procedure. The governors have no power to act on an initial complaint unless the complaint is about the Head Teacher when the procedure to follow is as set out below. -. Complaints against school staff (except the Head Teacher) should be made in writing and in the first instance addressed to the Head Teacher via the school office. Please mark them as "Strictly Private and Confidential – Addressee Only".

Complaints that involve or are about the Head Teacher should be addressed to the Chair of Governors, MHR via the Clerk to the Governing Body ("the Clerk"). They must be in writing marked "Strictly Private & Confidential –Addressee Only" and sent to the school address or via email using the address [SchoolGovernors@Moonhall.co.uk](mailto:SchoolGovernors@Moonhall.co.uk)

Complaints about any individual governor or the governing body as a whole should similarly be addressed to the Clerk via email using the address and copy in the Executive Headteacher [cattersonm@moonhall.co.uk](mailto:cattersonm@moonhall.co.uk) [caveneyt@moonhall.co.uk](mailto:caveneyt@moonhall.co.uk)

For ease a template complaint form is included at the end of this document. 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. This may involve, for instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings concerning a complaint in accessible locations.

All complaints must be made and submitted **individually** by the complainant. If a complaint is made collectively by more than one person it will not be considered and the persons concerned will be asked to resubmit their complaints individually.

### Anonymous complaints

We will not normally investigate anonymous complaints. However, the Head Teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### Time scales

MHR reserves the right not to investigate complaints that have been made more than three months after the subject of the complaint took place. Where a series of associated incidents have occurred, the three month time period for raising a complaint will run from the date of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Head Teacher will review the situation and decide whether or not to enact the complaints procedure, informing the Chair of Governors of the decision.

### 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.

### Social Media

So that complaints can be resolved as quickly as possible, MHR requests complainants do not discuss them publicly via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved and it is expected that complainants observe confidentially also.

### Scope of this Complaints Procedure

This procedure covers all complaints about any provision of educational facilities or services by MHR, other than complaints that are dealt with under other statutory procedures, including those listed below. Complaints must be those of the complainant and will be dealt with on an individual basis.

Exceptions	Who To Contact
<ul style="list-style-type: none"> <li>• • Pupil admissions</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 the Chair of the Governing Body.</p> <p>Complaints with regard to Governance should be raised with the Chair of Governors in the first instance but may also be raised with the Charity Commission or the Department for Education (DfE)</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. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Contact information is contained in the school's Safeguarding Policy published on the school's website.</p>
<ul style="list-style-type: none"> <li>Exclusion of children from school</li> </ul>	<p>Please refer to our Exclusion Policy on the school website.</p> <p>It should be noted that complaints about the application of the school's Exclusion Policy can be made through the school's complaints procedure.</p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees. Volunteer staff who have concerns about our school should complain through the school's complaints procedure.</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 or the whistleblowing policy</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. Complainants will not be informed of</p>
	<p>any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed. Complainants will not be informed of other personal matters relating to members of staff or others to whom the school owes a duty of confidentiality</p>

<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct</p>
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If other bodies are investigating aspects of the complaint, for example the police, local authority (LA), Charity Commission, safeguarding teams or Tribunals, this may affect 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 MHR 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. The decision to have the schools complaints procedure due to legal action will be communicated , in writing to the complainant.

### Resolving complaints

At each stage in the procedure, MHR wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- 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.

### Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

### Stage 1 Informal

Informal concerns should be made in writing to the Headteacher who will work to find a satisfactory resolution with regards to the issue raised.

### Stage 2 Formal complaint

Formal complaints must be made to the Head Teacher (unless they are about the Head Teacher). This may be done in person, in writing (preferably using the template complaint form), or by contacting the Head's PA, [headspa@moonhall.co.uk](mailto:headspa@moonhall.co.uk)

The Head Teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days. If the complaint is made orally the Head Teacher's acknowledgement will contain a summary of the Head Teacher's understanding of the complaint and a request that the complainant confirm this in writing to enable the matter to proceed on an agreed basis.

Within this response, the Head Teacher may seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head Teacher can consider whether a face to face meeting is the most appropriate way of doing this.

**Note:** The Head Teacher may delegate the investigation to another member of the school's senior leadership team ("the investigator") but not the decision to be taken.

During the investigation, the Head Teacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied by another person if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Head Teacher will provide a formal written confirmation of the outcome of their investigation within 15 school days of the date of receipt of the complaint or following the oral complaint the written clarification as stated above. If the Head Teacher is unable to meet this deadline, he or she will provide the complainant with an update and revised response date. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions MHR will take to resolve the complaint.

The Head Teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

Where a complaint concerns the Head Teacher or **any** member of the governing body, a suitably skilled governor will be appointed to complete all the actions at Stage 2. Complaints about the Head Teacher or member of the governing body must be made in writing to the Clerk, via the school address or by email at [SchoolGovernors@Moonhall.co.uk](mailto:SchoolGovernors@Moonhall.co.uk)

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

### Stage 3 Panel Hearing

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3. This will be the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk, via email at [caveneyt@moonhall.co.uk](mailto:caveneyt@moonhall.co.uk) the school address or by email at [SchoolGovernors@Moonhall.co.uk](mailto:SchoolGovernors@Moonhall.co.uk). The request must be made within 10 school days of the complainant receiving the Stage 2 response. Requests received outside of this timescale will only be considered in exceptional circumstances.

On being notified that a complainant wishes to take the matter to Stage 3 the governing body will form a complaints committee to deal with this. It will normally consist of two impartial governors **plus an independent person.**

The members of the complaints committee will have no prior involvement or knowledge of the complaint and decide who is to act as its chairman. Alternatively, depending on the nature of the complaint, an entirely independent committee may be convened to hear the complaint at Stage 3 or if no governors are impartial.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Once formed the committee will normally invite the complainant to a meeting to discuss the matter further. However, they will be sensitive to the complainants needs and if preferred they may deal with the issue by way of written correspondence.

The Clerk will write to inform the complainant of the date of the meeting and this would normally be within 30 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date for the meeting and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complainant is invited to attend a meeting, the complainant may bring someone along to provide support. This can be a relative or friend. This individual must be independent entirely of MHSET. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation. Representatives from the media are not permitted to attend.

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

At least 20 school days before the meeting, the Clerk will:



- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material not already provided to be submitted to the committee at least 15 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

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

The Chair of the Committee will provide the complainant and MHR with a full explanation of their decision and the reason(s) for it, in writing, within 7 school days of the meeting.

If the complaint is:

- jointly about the Chair and Vice Chair of governors or
- the entire governing body or
- the majority of the governing body

Stage 3 will be heard by an appointed committee of independent, investigations to hear the complaint. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions MHR will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

### **Next Steps**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by MHR. They will consider whether MHR has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education Piccadilly  
Gate Store Street  
Manchester  
M1 2WD.



### Complaint Form

The person who experienced the problem should normally fill in this form. If you are making a complaint on behalf of someone else, please fill in Section B also. Please note that before taking forward the complaint we will need to be satisfied that you have the authority to act on behalf of the person concerned. If you are a pupil the school will help you complete, will explain it to you and will give you a copy of it when it is completed.

#### A. Your details

Title: Mr / Mrs / Ms / Other	<input type="text"/>	Surname	<input type="text"/>
Forename (s)	<input type="text"/>		
Daytime phone number	<input type="text"/>	Address	<input type="text"/>
Mobile phone number	<input type="text"/>		
Email Address	<input type="text"/>		

#### B. If you are making a complaint on behalf of someone else, what are their details?

Their name in full	<input type="text"/>
Address and postcode	<input type="text"/>
What is your relationship to them?	<input type="text"/>
Why are you making a complaint on their behalf?	<input type="text"/>

#### C. About your complaint

C.1 Name the School you are complaining about.

C.2 What do you think they did wrong or did not do?

A large empty rectangular box intended for the respondent to provide their answer to the question above.

C.3 Describe how you have been affected.

C.4 When did you first become aware of the problem?

C.5 If it is more than three months since you first became aware of the problem, please give the reason why you have not complained before.

C6. What do you think should be done to put matters right?

C7. Have you already put your complaint to a member of staff? If so, please give brief details about how and when you did so.

Signature of complainant:

Date:

Signature if you are making a complaint on behalf of someone else

Signature:

Date:

Please send this form and any documents to support your complaint to the headteacher of the school.

Save and print this form so you have a copy for yourself.

**OFFICIAL SCHOOL USE**

Date acknowledgement sent:

By whom:

Complaint referred to:

Date: