



**MONK'S WALK**  
SCHOOL

MONK'S WALK SCHOOL  
KNIGHTS  
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GARDEN CITY  
HERTFORDSHIRE  
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[www.monkswalk.herts.sch.uk](http://www.monkswalk.herts.sch.uk)

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01707 322846

# Complaints Policy

|                            |                     |
|----------------------------|---------------------|
| <b>Date of issue:</b>      | <b>October 2020</b> |
| <b>Policy review date:</b> | <b>October 2021</b> |

**Policy Status**

**Statutory, GB Approved**

**Responsible member of SLT:**

**Kate Smith**

## Who can make a complaint?

Anyone can make a complaint about any provision of facilities or services provided by Monk's Walk School. Unless complaints are dealt with under separate statutory procedures we will use this complaints procedure.

*Note:*

- a A parent is defined as any person who has parental responsibility or who has care of the named student. The welfare of the student is our paramount consideration and we will seek permission from the person(s) with parental responsibility before responding to a concern or complaint from someone not registered on our system.*
- b Complaints made by members of the public will be dealt with by the headteacher and beyond that the chair of the board of trustees only.*

## 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. Monk's Walk School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

We understand however that there are occasions when people would like to raise their concerns formally. In this case, Monk's Walk School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant as long as they have appropriate consent to do so.

Complaints against School staff (except the headteacher) should be made in the first instance to the headteacher via the School office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to Carole Pomfret, chair of trustees, via the School office ([cpomfret@monkswalk.herts.sch.uk](mailto:cpomfret@monkswalk.herts.sch.uk)). Please mark them as Private and Confidential.

Complaints about the chair or a vice chair of trustees, any individual trustee or the majority or the whole board of trustees should be addressed to Carolyn Choudhry, clerk to the board of trustees, via the School office ([admin@monkswalk.herts.sch.uk](mailto:admin@monkswalk.herts.sch.uk)). Please mark them as Private and Confidential.

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 a third-party organisation for example Citizens Advice to help you.

In accordance with equality law we will consider making reasonable adjustments, if required, to enable you to access and complete this complaints procedure for instance by providing

information in alternative formats, assisting you in raising a formal complaint or holding meetings in accessible locations/remotely.

## **Serial, persistent and unreasonable complaints**

Monk's Walk School is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our School. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. Further information is provided in the appendix.

## **Anonymous complaints**

We will not normally investigate anonymous complaints except in extreme circumstances and where the safety of a student may be compromised.

## **Complaint campaigns**

If we receive large volumes of complaints either based on the same subject or from complainants unconnected with the School we will send a template response to all complainants or publish a single response on the School website.

## **Time scales**

You must raise the complaint within three calendar months of the incident or, where a series of associated incidents have occurred, within three calendar months of the last of these incidents. We will consider complaints made outside of this time frame only 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.

A school day is defined as a weekday during term time (term dates are published on the School's website).

## **Maintaining confidentiality**

Informal concerns and complaints will be dealt with confidentially at all stages and at the conclusion of the procedure. Confidentiality should be maintained at all times by everyone involved. The board of trustees of Monk's Walk School requests that complaints are not discussed publicly, including via social media.

## **Scope of this complaints procedure**

This procedure covers all complaints about any provision of community facilities or services by Monk's Walk School other than complaints that are dealt with under other statutory procedures, including those listed below.

| <b>Exceptions</b>  | <b>Who to contact</b>  |
|--|--|
| Admissions   | Concerns about admissions should be handled through a separate process through the local authority (LA)  |
| Matters likely to require a Child Protection Investigation | <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) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).<br/> <a href="mailto:LADO.Referral@hertfordshire.gov.uk">LADO.Referral@hertfordshire.gov.uk</a></p>  |
| Exclusion of children from school*                         | <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><br/> <a href="https://monkswalksch.s3.amazonaws.com/uploads/document/Behaviour-for-learning-Nov-2020-u.2021.pdf?t=1580227763?ts=1602758682">https://monkswalksch.s3.amazonaws.com/uploads/document/Behaviour-for-learning-Nov-2020-u.2021.pdf?t=1580227763?ts=1602758682</a></p>   |
| Whistleblowing   | <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> |
| Staff grievances   | Complaints from staff will be dealt with under the School's internal grievance procedures.   |
| Staff conduct  | <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. However, the complainant will be notified that the matter is being addressed.</p>   |

If other bodies are investigating aspects of the complaint for example, the police, 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 this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Monk's Walk School in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

## Resolving complaints

At each stage in this procedure Monk's Walk School wants to resolve the complaint and will do so honestly, politely and in confidence. 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 you want to withdraw your complaint we will ask you to confirm this in writing.

## **Stage 1: Informal complaints**

It is hoped that most concerns can be expressed and resolved on an informal basis. Concerns about any aspect of the provision for your child should, in the first instance, be discussed with the relevant member of staff as below. Please note that you should not approach individual trustees 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 4 of the procedure.

- education issues – if the matter relates to the classroom, the curriculum or special educational needs, you should speak to the head of year, head of department, assistant or deputy headteacher, as appropriate
- pastoral care – for concerns relating to matters outside the classroom you should speak to the head of year or deputy headteacher, as appropriate
- disciplinary matters – a problem over any disciplinary action taken or a sanction imposed should be raised with the member of staff who imposed it in the first instance. If not resolved you should speak to the relevant head of department, head of year or deputy headteacher
- financial and administrative matters – concerns relating to fees, extras or other administrative matters should be raised with the finance office or business manager
- an issue with a specific member of staff – often, the best way to resolve an issue with a specific member of staff is to raise it with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty. If you feel uncomfortable doing this the issue should be raised with the appropriate head of department, head of year, assistant or deputy headteacher

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 15 school days of the date of receipt of the complaint.

If the issue remains unresolved the next step is to make a formal complaint.

## **Stage 2: Formal complaints**

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the School office. This may be done in person or in writing, preferably on the complaint form (at the end of this procedure and on the School website).

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unsolved and what outcome you would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The headteacher may delegate the investigation to another member of the School's senior leadership team but not the decision to be taken.*

During the investigation the headteacher (or investigator) will:

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

At the conclusion of their investigation the headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline she will provide you 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 Monk's Walk School will take to resolve the complaint.

The headteacher will advise you of how to escalate your complaint should you remain dissatisfied with the outcome of Stage 2.

If your complaint is about the headteacher or a member of the board of trustees (including the chair or a vice chair) a suitably skilled trustee will be appointed to complete all the actions at Stage 2.

If your complaint is (a) jointly about the chair or a vice chair or (b) the entire board of trustees or (c) the majority of the board of trustees Stage 2 will be considered by an independent investigator appointed by the board of trustees. At the conclusion of their investigation the independent investigator will provide a formal written response.

### **Stage 3: Review by the chair of the board of trustees**

If you remain dissatisfied with the outcome at Stage 2 you can write to the clerk to the board of trustees, Carolyn Choudhry, via the School office ([admin@monkswalk.herts.sch.uk](mailto:admin@monkswalk.herts.sch.uk)) within 5 school days of receiving the letter confirming the outcome following Stage 2 asking for the complaint to be reviewed by the chair of the board of trustees. You should clearly set out how and why you do not accept the findings under Stage 2. Requests received outside of this timeframe will only be considered if exceptional circumstances apply.

The chair of the board of trustees will acknowledge your letter within 5 school days confirming the date that the review was requested, the action to be taken and the specified time limit.

The chair of the board of trustees will review all of the documentation and may invite you to a meeting. If the chair of the board of trustees considers a meeting appropriate it will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution.

The chair of the board of trustees will write to you within 20 school days from the date that the request for a review was received and will advise you how to escalate your complaint should you remain dissatisfied with the outcome of Stage 3.

*Note: The chair of the board of trustees may delegate the review to a vice chair.*

## Stage 4: Panel hearing

If you remain dissatisfied with the outcome at Stage 3 and wish to take the matter further you can escalate the complaint to Stage 4 – a panel hearing consisting of three members who are not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the School. This is the final stage of the complaints procedure.

A request to escalate to Stage 4 must be made to the clerk, Carolyn Choudhry, via the School office (admin@monkswalk.herts.sch.uk) within 5 school days of receipt of the Stage 3 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The clerk will record the date your complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Your request to escalate to Stage 4 should clearly set out how and why you do not accept the findings under Stage 3 explaining what steps have been taken to resolve the complaint so far by the School, why this has not been satisfactory and the desired outcome of the complaint. The clerk may contact you if further information is required.

The clerk will write to you to inform you of the date of the hearing. We aim to convene a hearing within 20 school days of receipt of the Stage 4 request. If this is not possible the clerk will provide an anticipated date and keep you informed.

If you reject the offer of three proposed dates without good reason, the clerk will decide when to hold the hearing. It will then proceed in your absence on the basis of written submissions from both parties.

If the complaint is (a) jointly about the chair and vice chair or (b) the entire board of trustees or (c) the majority of the board of trustees Stage 4 will be heard by a committee of independent, co-opted trustees.

You may bring someone such as a relative or friend along to the panel hearing to provide support only and not to play any part in the proceedings unless invited to do so by the chair of the panel. We recommend neither party brings legal representatives to the panel hearing as it is not a form of legal proceedings. However, there may be occasions when legal representation is appropriate. For instance, if a School employee is called as a witness they may wish to be supported by union and/or legal representation.

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

Representatives from the media are not permitted to attend the panel hearing.

At least 10 school days before the meeting the clerk will:

- confirm 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
- confirm the names of the panel members and other people attending the hearing
- request copies of any further written material to be submitted to the panel at least 7 school days before the meeting

The chair of the panel will decide, at his or her absolute discretion, which witnesses will be permitted to attend the panel hearing to give a verbal statement rather than relying on a signed written statement.

All written material will be circulated to all parties at least 5 school days before the date of the hearing. The panel will not normally accept as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The panel 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 hearing will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless your 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 the notes taken.

The clerk, who will usually be the clerk to the board of trustees, will take notes at the panel hearing. Notes from the hearing will be issued to you.

### Procedure at the panel hearing

1. The chair of the panel will welcome everyone and make introductions
2. The chair will invite you to give an account of your complaint
3. The chair will invite questions from the headteacher, the person who dealt with the complaint under Stage 3 which will usually be the chair of the board of trustees and other members of the panel
4. If applicable, the chair will invite your witness(es) into the room individually to give an account of what they saw or know and they will be asked to leave the room after answering any questions
5. The chair will invite the headteacher and the person who dealt with the complaint under Stage 3 which will usually be the chair of the board of trustees to respond to the complaint
6. The chair will invite questions from yourself and other members of the panel
7. If applicable, the chair will invite the School's witness(es) into the room individually to give an account of what they saw or know and they will be asked to leave the room after answering any questions
8. The chair will ask you to summarise your complaint
9. The chair will ask the headteacher to summarise her response and the School's stance
10. The panel hearing will then conclude and the chair will ask you and the School representatives to leave

The panel will consider the complaint and all the evidence presented. The panel 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 panel 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 panel will provide you and Monk's Walk School with a full explanation of their decision and the reason(s) for it in writing within 10 school days.

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 Monk's Walk School will take to resolve the complaint.



The letter will include details of how to contact the Education and Skills Funding Agency (ESFA) if you are dissatisfied with the way your complaint has been handled by Monk’s Walk School.

The panel will ensure that those findings and recommendations are sent by email or otherwise given to you and where relevant the person complained about. Furthermore, they will be available for inspection on the School premises by the proprietor and the headteacher.

The headteacher will ensure that a written record is kept of all complaints made at Stages 2, 3 and 4 detailing how the complaints were resolved and any action taken by the School as a result of those complaints (regardless of whether they are upheld).

All correspondence, statements and records relating to individual complaints will be kept confidential except under certain circumstances including Secretary of State request and inspection.

All personal information or records relating to complaints will be treated in confidence and in accordance with the principles of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

**Next Steps**

If you believe the School did not handle your complaint in accordance with the published complaints procedure or acted unlawfully or unreasonably in the exercise of our duties under education law, you can contact the ESFA after you have completed State 4.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Monk’s Walk School. They will consider whether Monk’s Walk School has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

You can refer your complaint to the ESFA online at [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry CV1 2WT

**Statistics relating to formal complaints for the academic year 2019/20**

Although the School was closed to most students from March during the pandemic, we were still open to queries and complaints.

\*The number refers to the stage at which the complaint ended.

| Type of complaint | Number* |
|-------------------|---------|
| Stage 2           | 4       |
| Stage 3           | 1       |
| Stage 4           | 1       |

**Monk's Walk School** formal complaints form

|  |  |
|--|--|
| Name   |  |
| Name of student year group and your relationship to them (where applicable)                    |  |
| Contact address  |  |
| Contact telephone day  |  |
| Contact telephone mobile   |  |
| Contact email address  |  |
| Details of the complaint   |  |
|  |  |
| Action taken so far (including staff member who has dealt with it so far) or solutions offered |  |
|  |  |
| The reason that this was not a satisfactory resolution for you                                 |  |
|  |  |
| What action would you like to be taken to resolve the problem?                                 |  |
|  |  |

Signed:

Dated:

*Official use*  
Date received:

## Appendix

### Serial, persistent and unreasonable complaints

Monk's Walk School defines a serial and/or persistent complaint if it relates to the same issue that was the subject of a previous complaint (made by the same complainant) and has already been through a formal complaints procedure. In such cases it is likely that you will be informed that the matter is now closed and that Monk's Walk School will provide no further response.

Monk's Walk School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of your contact with the School. In such cases the headteacher, chair of trustees, clerk to the board of trustees (as appropriate) will consult with relevant parties and may decide that the complaint is not considered under this procedure. You will be notified in writing that this is the case and that Monk's Walk School will provide no further response.

Examples of serial, persistent and unreasonable behaviour:

- refuse to articulate your complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuse to co-operate with the complaints investigation process
- refuse to accept that certain issues are not within the scope of the complaints procedure
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduce trivial or irrelevant information which you expect to be taken into account and commented on
- raise large numbers of detailed but unimportant questions, and insist they are fully answered, often immediately and to your own timescales
- make unjustified complaints about staff who are trying to deal with the issues and seek to have them replaced
- change the basis of the complaint as the investigation proceeds
- repeatedly make the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- make repeated, serial complaints, seemingly in response to dissatisfaction with how the school has handled previous complaints
- refuse to accept the findings of the investigation into that complaint where the School's complaint procedure has been fully and properly implemented and completed including following a referral to the Education and Skills Funding Agency (ESFA)
- seek an unrealistic outcome
- make excessive demands on School time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- use threats to intimidate
- use abusive, offensive or discriminatory language or violence
- knowingly provide falsified information, including to third parties such as Ofsted or the ESFA
- publish unacceptable information on social media or other public forums

You should try to limit your communication with the School that relates to your complaint while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached. Whenever possible, the headteacher or the chair of trustees will discuss any concerns with you informally before applying an '*unreasonable*' marking.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Monk's Walk School.