

Complaints Procedure

St Michael's C E Primary School



Date of Last Review	April 2022
Date of Next Review	April 2023

Signed..... Signed.....R Conway

Date..... Date.....April 2022.....

Headteacher **Co-Chair of Governors**

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1. Aims

Whilst at all times we aim to do our very best for every student and their family, we recognise that sometimes things can go wrong. We recognise that raising concerns can take courage as can listening to and learning from our errors. As well as meeting our statutory obligations when responding to complaints, we aim to proactively exemplify our own values. Staff and governors at St Michael's will always show respect for the concerns that are brought to them and have the courage to reflect honestly on whether we can learn from them and improve our practice. In order to do this we will:

Be impartial and non-adversarial

Facilitate a full and fair investigation by an independent person or panel, where necessary

Address all the points at issue and provide an effective and prompt response

Respect complainants' desire for confidentiality

Treat complainants with respect

Keep complainants informed of the progress of the complaints process

Consider how the complaint can feed into school improvement evaluation processes

We will try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE).

In addition, it addresses duties set out in the [Early Years Foundation Stage \(EYFS\) statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

Admissions

Statutory assessments of special educational needs (SEN)

Safeguarding matters

Exclusion

Whistle-blowing

Staff grievances

Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the class teacher; they will then be referred to this complaints policy.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Principles for investigation

When investigating a complaint, we will try to clarify:

What has happened and any other relevant details, such as time and location

Who was involved

What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

5. Stages of complaint (not complaints against the headteacher or a governor)

Stage 1: informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate. A form for raising a complaint is available (*see appendix 1*) but can also be raised in person, by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

The school will acknowledge informal complaints within 2 school days, and investigate and provide a response within 5 school days.

The response offered to an informal complaint will vary depending on the nature of the complaint and may include 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
- An undertaking to review school policies in light of the complaint

If the complaint is not resolved informally, it will be escalated to a formal complaint.

Stage 2: formal

Inform the headteacher in writing (You may choose to use the form in Appendix 1 to do this).

This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The headteacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 5 days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the co-chairs of governors in writing within 5 days.

Inform the co-chairs of governors in writing

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

On receipt of the complaint one of the co-chairs of Governors will:

- Clarify the nature of the complaint and what remains unresolved
- Meet with the complainant or contact them (if unsure or further information is necessary)
- Clarify what the complainant feels would put things right

Stage 3: submit the complaint to the review panel

Where the complainant is still not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a panel of governors.

The review panel will consist of 3 members of the governing board. The decision about the membership of a particular panel will depend on factors such as availability, whether governors have prior knowledge etc and the decision will be made by the co-chairs of Governors.

The selected governors will be mindful of the following points:

- The appeal hearing must be independent and impartial and seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.
- The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is not intimidating and not adversarial.
- Meetings will be planned in such a way as to be inclusive of all participants. For example, timings can be adjusted to accommodate relevant religious holidays, resources can be adapted to meet specific needs, and rest breaks can be scheduled to support physical or mental health needs. The governor chairing the meeting will reach out to all parties to ascertain any adjustments needed, but complainants should feel free to state their needs or those of their companion in advance.
- Governors sitting on the panel need to be aware of the complaints procedure and any other procedures relating to the complaint eg. Anti-bullying policy.

The Chair of the Panel will be nominated by the co-chairs of Governors and is responsible for ensuring that both complainant and headteacher are given a fair hearing and that the panel arrives at its judgement without fear or favour.

The complainant will be given at least 5 working days notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant will be allowed to be accompanied by a suitable companion if they wish. This may be a relative or friend. There is no need for any party to have legal representation at the review panel.

The format of the panel hearing will be as follows:

1. Complainant and headteacher will enter the room where the hearing is taking place together
2. The chair will introduce the panel members and outline the process
3. The complainant is invited to explain the complaint

4. The headteacher may question the complainant
5. The panel will question the complainant
6. The headteacher is then invited to explain the school's actions
7. The complainant may question the headteacher
8. The panel will question the headteacher
9. The complainant is then invited to sum up their complaint
10. The headteacher is then invited to sum up the school's actions and response to the complaint
11. The chair checks that both parties have said all they wanted to say and that they feel they have had a fair hearing. If either party says 'no' the chair should attempt to rectify that before the hearing ends.
12. The chair explains that both parties will hear from the panel within five working days
13. Both parties leave together while the panel decides on the issues

Notes

The hearing will be made as unthreatening as possible to all parties.

The panel may ask questions at any point if an immediate question will help to clarify a point. However, panel member discipline in following the format listed above will set a good example to the other parties about respecting the structure of the process. Panel members must find ways to ask probing questions while maintaining an air of impartiality.

The headteacher will have no contact with members of the governors' complaints panel except when the complainant is present to present and preserve the principle of neutrality. This means that the headteacher and complainant will enter and leave the room where the hearing is held together.

The chair of the panel should discourage the introduction of fresh documentary evidence at the hearing – there should be every encouragement to produce the evidence in advance so that both sides have time to study it. However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.

Following the hearing the complaints panel will put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The complaints panel can decide to:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint
- Recommend changes to the school's systems or procedures to ensure problems of a similar nature do not recur

It may also:

- Consider, and if appropriate, criticise the way in which an operational decision was communicated – **but cannot overturn the decision itself**
- Consider the thoroughness with which the headteacher investigated a complaint about a member of staff – **but cannot expect the headteacher to provide details about confidential discussions with that staff member**
- Consider the manner in which a complaint about any decision was addressed – **but cannot expect the headteacher to have changed the decision**
- Consider and, if appropriate, identify limitations in a policy or procedures – **but cannot make or improve that policy** (It can, however, recommend that the policy be reviewed by the governing body to ensure that problems of a similar nature do not recur, and individual panel members can subsequently play their part in improving the policy.)
- Consider whether it should recommend that the governing body offer appropriate redress

Exceptional circumstances

For the sake of clarity, the procedures listed above do not cover exceptional circumstances which might include:

1. The co-chairs of governors may not be able to find three governors who have no prior knowledge of the case

If a case has become a major talking point around the community, the co-chairs can ask the governing body or trustees from a different school or schools to provide suitable panel members .

2. In exceptional circumstances, it is possible that the complaint is not against the headteacher

A complaint to the governors' complaints panel will never be against a junior member of staff (it may be against the way the headteacher handled a complaint against a junior member of staff) but it is conceivable that a senior manager will appropriately stand in for the headteacher. That would need to be considered very carefully but if agreed the senior manager would be 'the headteacher' for the purpose of the panel.

There may be exceptional circumstances in which the complaint is against the co-chairs of governors – eg for wilfully refusing to deal with a complaint. In those circumstances the procedure above would be adapted and every reference to 'headteacher' would be read as 'co-chairs of governors'.

3. The complainant and/or the headteacher may wish to call witnesses

The use of witnesses is discouraged. In nearly every case, a complaints panel will want to work with **written** witness statements if appropriate, but there may be particular circumstances where the presence of witnesses is necessary to establish key facts. In those cases, witnesses must be agreed in advance. They will remain outside the hearing room until called in to give their evidence. They can be questioned by the panel members and the other party. They will leave the room when their evidence is complete.

4. The complainant may be a pupil at the school

We encourage pupils to raise concerns and would expect to resolve them before it becomes a formal complaint to the governing body. If it is not resolved it would be very unusual if parents have not by now picked it up and made it a parental complaint. However, if a pupil is the complainant, panel members will ensure that the same process is followed but that special consideration is given to ensuring that the child is supported and does not feel intimidated. The panel will give the views of the child equal consideration to those of adults.

6. Complaints against the headteacher or a governor

Complaints made against the headteacher should be directed to the co-chairs of Governors.

Where a complaint is against the Co-chairs of Governors or any member of the governing board, it should be made in writing to the clerk to the governing board in the first instance.

7. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

8. Persistent complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the co-chairs of governors (or other appropriate person in the case of a complaint about the co-chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

The school has taken every reasonable step to address the complainant's needs, and

The complainant has been given a clear statement of the school's position and their options (if any), and

The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or

The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or

The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

9. Unreasonable complaints

St Michael's C E Primary 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 the 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.

St Michael's C E Primary School defines unreasonable complaints as '*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints*'.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses 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 referral to the Department for Education.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously

- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as social media, website and newspapers

Complainants should limit the number of communications with the school while a complaint is being progressed. It is not helpful if repeated correspondence is sent as it could delay the outcome being reached.

Whenever possible, the headteacher or Co-chairs of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify a communication plan.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from St Michael's C E Primary School.

10. Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

In line with the school's role as data controller, audio or visual recordings of the process, including the hearing, will not normally be permitted by any party. Where there are communications difficulties, recording devices may be used as a reasonable adjustment to ensure that parties are able to access and review the discussions at a later point.

All material, including recordings and written records will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

11. Learning lessons

The governing body will review any underlying issues raised by complaints with the headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

The governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing body will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Headteacher.

This policy will be reviewed by the governing body every three years.

At each review, the policy will be approved by the full governing body.

13. Links with other policies

Policies dealing with other forms of complaints include:

Child protection and safeguarding policy and procedures

Admissions policy

Exclusions policy

Staff grievance and disciplinary procedures

SEN policy and information report

Privacy notices

Appendix 1 – Complaint form

St Michael’s C E Primary School

Complaint form

Please complete and return to the headteacher who will acknowledge receipt and explain what action will be taken.

Your name:

Address:

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Postcode:

Daytime telephone number:

Evening telephone number:

If applicable, name of child(ren) at school:

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?)

Your relationship to the school, e.g. parent, carer, neighbour, member of public:

Continued overleaf

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official Use:

Date of acknowledgement sent:

By Whom:

Complaint referred to:

Date: