

St. Joseph & St. Bede R.C. Primary School

Complaints Policy



With **Christ** at the
centre, our *Dream*
is for **greatness** in our
learning, to
Believe in our
unique talents, to be
Guardians of
life & creation
and to *Achieve*
a better world, by
living life to the full.

Approved by: Governing Board

Date: March 2021

Last reviewed on: March 2022-0

Next review due by: March 2022

1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- 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 and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We 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.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

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), including the model procedure, and model procedure for dealing with unreasonable complaints.

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

3. Definitions and scope

3.1 Definitions

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”

3.2 Scope

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 special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the class teacher then the special educational needs co-ordinator (SENCO) and finally the headteacher; they will then be referred to this complaints policy. Our SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

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

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

4.2 The investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

4.3 Clerk to the governing board

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing

- Record and circulate the minutes and outcome of the hearing

4.4 Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

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.

When complaints are made out of term time, we will consider them to have been received on the next school day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

5.2 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 10) 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.

6. Stages of complaint (not complaints against the headteacher or governors)

The school Complaints Process has four defined stages:

1. Stage One: The complaint is heard informally by a staff member (not the subject of the complaint)
2. Stage Two: The complaint is formally heard by the Head Teacher. If the complaint is about the Head Teacher, this should move directly to Stage Three.
3. Stage Three: The complaint is formally heard by the Chair of Governors
4. Stage Four: The complaint is heard by the Governing Body's Complaints Committee

Dealing with Complaints – Initial Concerns:

Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. However, formal complaints should always follow the complaints procedure.

Resolving Complaints:

At each stage in the procedure all parties should keep in mind ways in which a complaint can be resolved. It would be useful if complainants state what actions they feel might resolve the problem at any stage.

This procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints:

There may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Problems may arise where the complainants are unreasonable and are not seeking to have a situation remedied but instead are determined to extract retribution for some real or imagined wrong. Complainants will be advised in writing of the school policy for handling unreasonably persistent, harassing or abusive complainants.

Time-Limits:

Complaints should to be considered, and resolved, as quickly and efficiently as possible. Complaints should therefore be raised within 3 months of the event taking place, except in exceptional and mitigating circumstances. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadlines and an explanation for any delay.

Standards for handling complaints:

We can receive complaints by letter or email, or alternatively if required during a face to face meeting.

- You can expect to be treated with courtesy, respect and fairness at all times.
- We expect that you will also treat our staff dealing with your complaint with the same courtesy, respect and fairness

- There is an expectation that all parties will treat the complaint in confidence to allow for a fair investigation.
- We will deal with your complaint promptly.
- We will acknowledge receipt of a written complaint within five working days you can expect to have a full reply within 20 working days.
- We will not treat you less favourably than anyone else because of your:
 - sex or legal marital or same-sex partnership status: this includes family status, responsibility for dependants, and gender (including gender reassignment, whether proposed, commenced or completed)
 - sexual orientation
 - colour or race: this includes ethnic or national origin or nationality
 - disability
 - religious or political beliefs, or trade union affiliation
 - any other unjustifiable factors, for example language

Third Party Reporting:

Complainants may wish to have a third-party act on their behalf. A third party is any person or organisation acting on behalf of or making enquiries for the complainant. For example, third parties may include:

- advice organisations
- professionals such as social workers
- community psychiatric nurses or doctors
- solicitors, family members or friends' interpreters for second language interpreters for the deaf

Where a third party is helping a complainant with a particular complaint, we need written consent to that effect. Where we have this authority, we will endeavour to take all possible steps to keep the third party informed of progress on the complaint.

Confidentiality:

All complaints received will be dealt with confidentially and in accordance with the requirements of the Data Protection Act 1998, subject to the need to disclose information as required by statutory authorities, and/or as a result of statutory, legal or parliamentary obligations placed on the Commission.

Complaints Procedure

- **Informal** - It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. Anyone, (parents, carers or members of the public), must feel able to raise a concern or make a comment about what goes on in school with an appropriate member of staff, the Head Teacher or other nominated senior member of staff, without formality. Informal complaints can be made in person, by telephone or in writing. Anyone who wishes to raise a concern should ask for an appointment to meet with an appropriate member of staff at an agreed time. At the meeting, the nature of the concern should be clarified and brief details recorded.
- Most concerns, comments and complaints can usually be resolved informally by contacting the appropriate member of staff, the Head Teacher or other nominated senior member of staff at the school, and do not develop into formal complaints. The ability to consider the complaint objectively and impartially is crucial.

- The parties involved should discuss and be encouraged to offer their view of what would be a realistic resolution to the problem.
- If the member of staff first contacted cannot deal with the matter personally, he/she may need to refer the matter to a colleague. Before doing so, the nature of the concern should be clarified, details recorded (name of person, contact address or phone number, nature of concern, date when concern raised and date(s) of any relevant incident or event) and the person should be notified of the likely time-scale of a response.
- If the matter cannot be resolved at this stage, and the person wishes to take the matter further, they should be given clear information about how to proceed with a formal complaint.

At this stage, members of the Governing Body should not be approached in case they are needed at a later stage of the procedure.

2. Formal Complaint heard by the Head Teacher

- All formal complaints should be submitted to the Head Teacher, unless the complaint is in respect of the Head Teacher, in which case it should be submitted to the Chair of Governors (stage 3).
- All written complaints should be formally acknowledged within **five school days**, and a full written response should be sent within **twenty school days**. If this is not possible for any reason, i.e. the complaint is complex, the complainant should be notified of the delay, and reason in writing, and a new expected response date should be agreed.
- If the matter cannot be resolved at this stage, and the complainant wishes to take the matter further, they should be given clear information about how to proceed with a formal complaint at Stage 3.

3. Formal Complaint heard by the Chair of Governors

- All formal complaints which remain unresolved following an investigation carried out by the Head Teacher or are complaints about the Head Teacher should be submitted to the Chair of Governors for further consideration.
- All written complaints should be formally acknowledged within **five school days**, and a full written response should be sent within **twenty school days**. If this is not possible for any reason, i.e. the complaint is complex, the complainant should be notified of the delay, and reason in writing, and a new expected response date should be agreed.
- If the matter cannot be resolved at this stage, and the complainant wishes to take the matter further, they should be given clear information about how to proceed with a formal complaint at Stage 4.

4. Hearing by Complaints Hearing Panel

- An issue that has not been resolved through informal and formal procedure (Stages 1, 2 and 3) will escalate to a full investigation by the Governing Body's Complaints Committee who will be charged with seeing the complaint through. The Education Act 2002 (Section 29) requires Governing Bodies to establish these

procedures and hear complaints. This committee will be the last school-based stage of the Complaints Process.

- The complainant should write to 'The Clerk to the Governing Body' (marking it 'private and confidential – complaint') giving details of the complaint and asking for it to be dealt with at Stage 4. **(Appendix 3)**. The Clerk to the Governing Body or Chair of the Panel should write to the complainant within five school days of receipt and advise them of the name of the Governor who will chair the Stage 4 panel, and outline the timescales for the process. The Chair of the Panel will then convene a meeting of the Governing Body Complaints Committee, usually within 20 school days of receipt of the letter. If there is a longer delay (i.e. due to school holidays), the complainant needs to be informed and given an estimated date of when the committee will meet.
- Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
- It should be made clear who can attend the meeting and advise both the complainant and the person/people subject to the complaint that they may bring someone to support or represent them. The date, time and venue of the hearing, should be agreed to ensure that they are convenient and accessible to all parties.
- The Chair should arrange for copies of all the relevant documentation to be sent to all people invited, ensuring that everyone has copies to read through at least 5 school days before the date of the meeting.
- Should the complaint be lengthy, it is wise for the Chair to speak with the complainant prior to the meeting and identify "bullet point issues of complaint." This should ensure that the relevant people attend the hearing.
- It is recommended that the Panel meet prior to the hearing to agree any questions that they may have from the paperwork, and also to agree how questions will be raised during the hearing.

Proceedings at the Meeting:

1. The Chair of the Complaints Committee will introduce him/herself and ask the people present to introduce themselves. It needs to be made clear at the start of the meeting, who can be present for what part of the meeting. The Chair will then explain the purpose and format of the meeting and advise those present that at any time they can ask for a short break. It should be noted that complainants may feel uncomfortable speaking in front of a large number of people, and therefore it may be more productive for people to be invited into part of the hearing only
2. The complainant will be asked to give a verbal statement in support of his/her written letter of complaint and why he/she feels that the issue has not been resolved. He/she will be permitted to call witnesses and to produce relevant documentation.
3. The person subject to the complaint will be given the opportunity to ask questions:
 - of the complainant on the evidence given by him/her and
 - of any of the witnesses the complainant has called on their evidence.

4. The Chair and other Complaints Committee members will take the opportunity to ask questions and seek clarification.
5. The person subject to the complaint will be given the right of reply, to state his/her case, to call witnesses and to produce relevant documentation.
6. The complainant will be given the opportunity to ask questions:
 - of the person subject to the complaint on the evidence given by him/her
 - of any of the witnesses the person subject to the complaint has called on their evidence.
7. The Chair and other Complaints Committee members will take the opportunity to ask any further questions they may have. When the Complaints Committee members understand all the issues, the Chair will ask all parties to leave, except the members and the clerk.

After the meeting:

- The Complaints Committee members then discuss the issues in private and will need to consider the information, come to a decision and suggest a way to resolve the issue considering the best interests of the child or children.
- When the Complaints Committee have reached a decision, the Chair will inform everyone concerned in writing of its conclusion as soon as possible, but in any event, within 10 school days of the meeting.

The decision of the Complaints Committee is final.

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

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

- Further information and advice can be found on the Department for Education's website: <https://www.gov.uk/complain-about-school>

7. Complaints against the headteacher, a governor or the governing board

Stage 1: informal

Complaints made against the headteacher or any member of the governing board should be directed to the clerk to the governing board in the first instance.

If the complaint is about the headteacher or one member of the governing board (including the chair or vice-chair), a suitably-skilled and impartial governor will carry out the steps.

Stage 2: formal

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the governing board or diocese and will write a formal response at the end of their investigation.

Stage 3: review panel

If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing board, a committee of independent governors will hear the complaint. They will be sourced from local schools, the local authority or diocese and will carry out the steps at stage 3 (set out in section 6 above).

8. 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.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

Diocesan Authorities:

- The Catholic and Church of England Diocesan authorities discharge their functions in respect of maintained schools in their Trusteeship by appointing foundation governors to the governing body of the school. There is therefore no further avenue of complaint or appeal to the Diocese where the governing body has complied with and completed its own internal procedures.
- The diocesan authorities will however receive and consider complaints about the exercise of their own functions in respect of a school and complaints that a school has failed or is failing to comply with the terms of its Trust Deed or Ethos Statement. 'Its own functions' in this case might mean, for example, the religious education programme, the content and delivery of acts of worship, the appointment of foundation governors or any other matters where the school claims to have acted on the advice of the diocese in a way parents consider to be inappropriate.
- In Bury the relevant Diocese is The Diocese of Salford (Catholic).

9. Persistent complaints

9.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure

- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

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 our school site.

9.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to consider.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

9.3 Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website

› Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

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.

This material 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, our privacy notices and policy/record retention schedule.

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 board will review any underlying issues raised by complaints with the headteacher/senior leadership team, 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 board will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The governing board will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the Headteacher or Chair of Governors if the complaint is about the Headteacher.

This policy will be reviewed by the headteacher every 2 years.

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

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 procedures
- › Staff disciplinary procedures
- › SEN policy and information report
- › Privacy notices

Appendix 1

Complaint Form

Please complete the following information and return to the Headteacher / The Chair of Governors / The Clerk of the Governing Body (relevant stage of the Complaints Process) who will acknowledge receipt and explain the action taken:

Your name: _____
Your address: _____
Telephone [Daytime] _____
Telephone [Evening] _____
E mail _____
Your child's name and year group (if relevant to your complaint) _____

Please give concise details of your complaint including dates, names of witnesses etc. to allow the matter to be fully investigated:

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?)

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

Signed: _____ Date: _____

School Use Only:	
Date form received:	
Received by:	
Acknowledgement sent by:	
Complaint referred to:	
Date:	
Date of final response:	

Letter of acknowledgement of Complaint

St Joseph & St Bede RC Primary School
Danesmoor Drive
Bury
BL9 6ER

Date:

Dear

I acknowledge receipt of your letter/form of complaint dated xxxxxxxx.

Your complaint will be dealt with by xxxxxx in accordance with school procedures.

The School and Governing Body take any complaint most seriously. Therefore xxxxxxxx would like to meet with you as soon as possible, so that she/he may understand the details of your concerns more clearly.

xxxxxxx will contact you within the next xxx days to agree with you a mutually convenient date for us to meet.

Your faithfully,

Complaint Review Request Form

Please complete and return this form to the Chair of the Complaints Committee who will acknowledge receipt and inform you of the next stage in the procedure.

Your name:	
Relationship with the School (e.g. Parent, neighbour):	
Address:	
Telephone (Daytime):	
Telephone (Evening):	
E mail	
Your child's name (if relevant to your complaint)	
Year Group	

Dear Sir/Madam

I submitted a formal complaint to the school on _____ and I am dissatisfied by the procedure that has been followed.

My complaint was submitted to _____ and I received a response from _____ on _____ .

I have attached copies of my formal complaint and the responses from the school.

I am dissatisfied with the way in which the procedure was carried out, because :

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

Signature:

Date:

School Use Only:	
Date form received:	
Received by:	
Acknowledgement sent by:	
Complaint referred to:	
Date:	
Date of final response:	