



**St Monica's Catholic Primary School**  
...a small school where big things happen...



# Complaints Policy

Policy Reviewed:	11 <sup>th</sup> October 2021
Policy approved by Governing Body:	December 2021
Review Cycle:	Annually
Date of Next Review:	Autumn 2022

**Policy addendum:**

1. A revised formatting and outlay was applied to this Policy, in line with all other school Policies – 25/08/2020
2. No amendment was made this Policy at the 2021 review.

Signed: *EBartWilliams*

School Business Manager

## 1. Introduction

In accordance with Section 29 of the Education Act 2002, all local authority (LA) maintained 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.

No-one likes criticism but an open organisation will always be willing to listen to concerns and anxieties and be ready to learn from them if appropriate. In a school, most concerns are likely to be expressed by parents of its pupils, though some may come from pupils themselves, parishioners, or from other interested parties such as neighbours or users of the premises.

**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 generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'. It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures.

In a Catholic school, parental concerns are of particular importance. As the first educators of their children, parents have a duty to take an active interest in their school. "Since parents have given children their life, they are bound by the most serious obligation to educate their offspring." (*Gravissimum Educationis*). To this end, "there must be the closest co-operation between parents and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents and willingly listen to them." (Can.796) In a Catholic School, therefore, dealing with parental concerns will be an intrinsic part of the school's ethos and mission. In addition, terms of reference for governing bodies now include the legal obligation to "be open about the decisions they make and the actions they take and in particular to explain their decisions and actions to interested parties". (The Education (School Government) (Terms of Reference) (England) Regulations 2000). Thus a climate of openness and partnership is essential.

Nearly all concerns or questions can be resolved very quickly and informally if parents feel able to voice them as soon as they arise. Obviously, the more information the school gives to the parents the less scope there is for misunderstanding. As part of this information, parents should be told that feedback is always welcome and that, therefore, they are warmly encouraged to voice any concerns straightaway, preferably to the person concerned. In most cases, discussion, explanation, further information – or an apology if appropriate – will resolve the issue. **Every effort will be made to allay concerns at this level and with the least possible formality. The ideal is that no concern should ever become a formal complaint.**

Occasionally, however, a concern will be too serious to be handled in this way, perhaps needing greater investigation; or the person concerned may not feel that the answers given so far have been acceptable or adequate. In such circumstances, the concern will become a **complaint** and the formal procedure should be rigorously followed. Even in these cases, every effort should be made to resolve the issue at the lowest possible level of the procedure. It should be very rare indeed that a complaint needs to be decided at the Appeal Stage by a Governors' Committee.

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school.

It is very important that all governors and members of staff be familiar with the school complaints procedure and that they know who the complaints coordinator for the school is so that they can refer complaints to that person when approached by someone with a complaint.

In all circumstances the published procedure must be followed closely. Should difficulties arise, advice can be sought from the Diocesan Education Service.

## **2 The Formal Procedure**

### **Principles**

**At every stage of the formal procedure, the handling of the complaint will be:**

- Non-adversarial
- Swift (using agreed time limits)
- Fair (using independent investigation where necessary)
- Confidential

**Throughout the process, the school will be willing:**

- To listen
- To learn
- To admit mistakes
- To apologise if appropriate
- To address any issues raised
- To change school practice if appropriate

**In using this procedure:**

- Staff are asked to be aware that complainants may feel intimidated by the school as an institution and unsure whether they will be treated fairly
- Complainants are asked to be aware that those complained about, especially individual members of staff, may feel very vulnerable during this process.

Throughout the procedure, therefore, the aim of all parties should be not only to resolve the complaint but also to develop and sustain good relationships between all members of the school community. However formal or serious the complaint, or however dissatisfied the complainant, the aim will always be reconciliation between all parties and a renewed commitment to work together amicably. The gospel values of justice and forgiveness should always underpin the entire process.

**This Complaints Procedure does not apply to:**

- Members of staff (who should use their own Grievance Procedure)
- Procedures with their own appeal structure e.g. admissions and exclusions
- Concerns about the delivery of the National Curriculum.

It is also totally separate from any Disciplinary or Capability Procedures. If the investigation of any complaint were to lead to concerns on the part of the Head teacher or governors about the capability or conduct of a member of staff, these would not be discussed or dealt with within this procedure.

## **2.1 Outline of the Procedure**

**There are three stages to the formal procedure: Stage 1**

### **Complaint heard by a member of staff (not the subject of the complaint).**

The member of staff designated as our school's Complaints Co-ordinator is the Head Teacher; and all complaints should be addressed to her in the first instance.

The designated complaints co-ordinator is held in high professional esteem by staff, governors and parents. Status in the school hierarchy has been considered less important than personal qualities and interpersonal skills. Sensitivity, assertiveness, efficiency and articulateness were considered to be particularly required.

The complaints coordinator will either hear a complaint personally or, where appropriate, refer the matter to another member of staff. The coordinator will also keep records of each complaint and of action taken in regard to it (preferably using an agreed proforma e.g. as in Appendix A) so that the senior managers and governors of the school can be kept informed of all issues that arise and as a result can change or develop school practices where necessary or appropriate. Thus complaints about the school can be used positively as a self-evaluation tool.

### **Stage 2**

**Complaint heard by the Head teacher.**

### **Stage 3**

**Complaint heard by Governing Body's Complaints Appeal Panel.**

If unsatisfied at Stage 1 or 2, the complainant can take the complaint to the next stage.

## **The Formal Complaints Procedure in Detail Stage 1 – Complaint Heard by Staff Member**

***NB: The aim is to resolve the complaint at this level.***

**1.1** The complaint should be addressed in the first instance to the designated member of staff (the complaints coordinator). This may be done in person, by telephone or in writing. In our school, the designated member of staff is the Head teacher, in which case the procedure will start at Stage 2.

**1.2** The complaints coordinator will log the complaint (See Appendix A for a sample record form) and either investigate the complaint personally or refer it to an appropriate member of staff. In making this decision, the coordinator will be sensitive to any indication that the complainant would have difficulty discussing the complaint with a particular member of staff.

**1.3** If the complaint concerns the Head teacher, the coordinator should refer it to the chair of governors and, out of courtesy, inform the Head teacher that this has been done. If the complaint concerns the chair of governors, the coordinator should refer it to the vice-chair.

**1.4** Whoever investigates the complaint will:

- Establish what has happened so far, and who has been involved;
- 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, clearing up any areas of misunderstanding, identifying areas of agreement and discussing what might be possible;
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish ( - this should include adults and pupils as appropriate, whether main players or witnesses- );
- Conduct each interview with an open mind and be prepared to persist in the questioning;
- Keep notes of each interview.

**1.5 Timescales.** Within ten school days of receiving the complaint, the investigator will complete the investigation and contact the complainant to arrange a meeting. (See **1.6**). At any point in the process, the complaints coordinator may decide or agree to commission a further investigation, whether by a member of staff or an independent person. If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.

**1.6** When the investigation is complete, the member of staff investigating will meet the complainant to try to resolve the complaint. **Every effort should be made to try to resolve the complaint at this meeting.** Any of the following may be appropriate at this point:

- An acknowledgement that the complaint is valid in whole or in part;
- An apology;
- An explanation;
- A clarification of misunderstandings;
- 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.

Some of the above may require that the investigator seek authority from the head teacher. Naturally, nothing should be offered or promised that cannot be justified or fulfilled.

**1.7** If the complaint cannot be resolved, the complainant may refer it to Stage 2.

## **Stage 2 – Complaint Heard by Head teacher**

(\*In very small schools, this stage may be the start of the procedure – see **1.1**)

**2.1** Where a complaint has not been resolved at Stage 1, it will be referred to the Head teacher **unless** the original complaint concerned either the Head teacher or the chair of governors in which case the complainant may refer it straight to Stage 3.

**2.2** The Head teacher will either investigate the complaint personally or refer it to another senior member of staff (who has not so far been involved) or arrange for an independent investigation if appropriate. At this point it is possible that the complaint will have escalated to include a complaint concerning the manner in which the original complaint has been handled. Both parts of the complaint would in this case need to be investigated.

**2.3** In conducting the investigation, the investigator will operate in accordance with section **1.4**.

**2.4 Timescales:** Within ten school days of receiving the complaint, the investigator will report back to the Head teacher. Within a further three school days, the Head teacher will contact the

complainant and arrange a meeting. (See **2.5**) At any point in the process, the Head teacher may decide or agree to commission a further investigation, whether by another senior member of staff or a governor or an independent person (e.g. from the diocese or the Local Authority or another appropriate agency depending on the nature of the complaint). If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.

**2.5 When the investigation is complete**, the Head teacher will consider the evidence and, whether or not he or she investigated the matter personally, will meet the complainant (with or without the person who conducted the investigation if different) to try to resolve the complaint. **Every effort should be made to resolve the complaint at this meeting.** Any of the suggestions in section **1.6** may be appropriate at this point.

**2.6** If the complaint cannot be resolved, the complainant may refer it to Stage 3.

### **Stage 3**

#### **Complaint Heard by Governing Body's Complaints Appeal Panel**

**3.1** A Complaints Appeal Panel, consisting of three governors, should be appointed annually by the governing body. This panel will have delegated power to hear and finally determine complaints. Ideally, the make-up of the panel should reflect the make-up of the governing body and/or the profile of the pupils in the school. Any governor who has prior involvement in or detailed knowledge of a particular complaint or its investigation may not sit on the panel hearing that complaint. It would be advisable, therefore, for the governing body to agree alternative panel members in case of such a circumstance. The complaint must not be discussed at a meeting of the full governing body as this could compromise the impartiality of the complaints panel and also any subsequent disciplinary hearing which may follow a serious complaint against a member of staff.

**3.2** To trigger Stage 3, the complainant will have been dissatisfied with the school's approach to the complaint in the first two stages and must now put the complaint in writing to the chair of governors. The chair will check what has happened so far and, if the procedure has been properly followed and it is appropriate to move to Stage 3, he or she, or a nominated other governor, will - via the clerk - convene a Governing Body's Complaints Appeal

Panel. If the original complaint concerned the chair of governors and was referred to the vice-chair at Stage 1, the vice-chair will tell the complainant the name of the nominated governor for a referral to Stage 3. (See section 3.1)

**3.3** This is the final stage of the procedure. There is no further redress or appeal. It is, therefore, vital that, in the spirit of the procedure, the Appeal Panel should:

- Be prepared to hear complaints without preconceptions;
- Examine and discuss the matter fully so that they ensure that they have every piece of information or evidence that they require;
- Be prepared to commission, organise or conduct further investigations if necessary;
- Give the complainant the opportunity to express their dissatisfaction and worries and to suggest what might put things right;
- Be prepared to take whatever action is required.

**3.4 Timescales.** The date of the Appeal Panel Meeting should be agreed by all parties within five school days of the receipt of the written referral of the complaint. The meeting itself should be held within fifteen school days of the receipt of the referral. If the complainant or the Head

teacher wishes to submit information in writing to the panel, they should send it to the clerk to the governors at least five school days before the meeting. As far as possible, the meeting should not be delayed if the referral comes at the end of a term, especially at the end of the summer term. Since the aim of the procedure is to resolve the issue and effect reconciliation if necessary, it will be best if the matter can come to the panel as quickly as possible, especially as the complainant will already have been engaged over a protracted period in attempts to put things right.

### **The Meeting of the Governing Body's Complaints Appeal Panel**

**3.5 Before the meeting:** Members of the panel should consider carefully any documentation from the Head teacher or the complainant but should not discuss the matter with anyone, including the other members of the panel, before the meeting. This is in the interest of fairness and natural justice. The appeal panel must operate scrupulously as an independent arbiter of the complaint.

### **3.6 Conduct of the meeting – to be borne in mind:**

- One of the panel must act as chair and there should be a clerk for the meeting.
- A member of the Diocesan Education Service may be invited to advise and support the panel.
  - The meeting room should be private and as informally laid out as possible in order to encourage a spirit of partnership. It is very important that there should be nothing adversarial about the proceedings. The tone of the whole meeting will be set by the atmosphere of the room in which it is set and by the way people are greeted. Panel members should be sensitive to the vulnerabilities and sensitivities of all concerned. Parents may be emotional when talking about their child; the Head teacher and others involved in the earlier investigations may fear that their professionalism could be under attack. Everyone needs to remember that the aim and purpose of the meeting is to resolve the complaint and find ways of going forward together. It is possible that the complainant may not be satisfied with the outcome if the panel does not find in their favour, but the conduct of the meeting can go a long way towards smoothing such dissatisfaction. At the very least, every complainant should feel at the end that their complaint has been taken seriously and examined impartially.
- Very special care should be taken if the complainant is a child or if there are child witnesses. Children's views should be given equal consideration to those of adults. If a parent has complained on behalf of a child, the parent should be given the opportunity to say which parts of the meeting the child needs to attend.

### **3.7 Role of the Clerk:** The clerk will:

- Confirm to all parties in writing the date, time and venue of the hearing;
- Receive and distribute any documentation to be read before the hearing;
- Meet and welcome all parties as they arrive at the hearing;
- Record the proceedings;
- Notify all parties of the panel's decision within 3 school days (or as decided by panel). The wording of any letters will be agreed with the chair of the panel.

### **3.8 Role of the Chair of the Panel:** The chair will ensure :

- That the procedure is properly followed (with the support of the Diocesan Education Service if requested);
- That the procedure for the hearing of the complaint is explained to all parties and that all



- parties have the opportunity to put their case without undue interruption;
- That the issues are addressed;
- That all parties are put at their ease, especially any who may not be accustomed to speaking at such a hearing;
- That the proceedings are kept as informal as possible and that everyone treats each other with respect and courtesy;
- That the panel operates in an open-minded and independent way; that time is given for all parties to consider any 'new' evidence.

### **Role of the Diocesan and Local Authority Representatives**

- To advise the panel on procedure. The Diocesan and local authority officers are there in an advisory capacity only. They do not have a vote and do not participate in the panel's decision-making process.

### **3.9 Order of Proceedings for the Hearing of the Complaint**

- Welcome, introductions and explanations of the proceedings by the chair.
- The complainant is invited to explain the complaint.
- The Head teacher may question the complainant.
- The panel may question the complainant.
- If there are any witnesses for the complainant, each one is invited into the hearing in turn and in each case the witness is invited to speak, then the Head teacher may question them, and then the panel may question them. In each case, the witness may leave after their 'evidence'. The Head teacher is invited to explain the school's actions. If there are any witnesses for the school, they are treated in exactly the same way as the witnesses for the complainant. When the chair is sure that all parties have asked all that they need to, the complainant is invited to sum up their complaint. The Head teacher is then invited to sum up the school's actions and response to the complaint. The chair explains that both parties will hear from the panel within three school days following the day of the hearing. Both parties leave together while the panel decides on the issues (advised by the diocesan Department of Schools member if there).
- The Head teacher is then invited to sum up the school's actions and response to the complaint. The chair explains that both parties will hear from the panel within three school days following the day of the hearing. Both parties leave together while the panel decides on the issues (advised by the diocesan Department of Schools member if there).
- Both parties leave together while the panel decides on the issues (advised by the diocesan Department of Schools member if there).

### **3.10 Options Open to the Panel** The panel may:

- 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 that problems of a similar nature do not recur.

### **3.11 After the Hearing** The following actions need to be taken.

- The chair of the panel agrees with the clerk the wording of the letter to be sent to both parties. The clerk then ensures that the letter is sent out in accordance with the agreed timescale.

- The clerk writes up the notes of the meeting and gives a copy to the chair of the panel.
- The clerk ensures that any recommendation to change school procedures is put on the agenda for the next governing body meeting.

**3.12 Vexatious Complaints:** If the complainant, still dissatisfied, tries to reopen the same issue, the chair of governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

## General Points

### **Using and Publicising the Procedure**

The governing body has adopted this procedure formally and reviews and re-adopts it annually. They also ensure that staff are confident in its use and that it is appropriately publicised to all interested parties, especially parents. This policy is available to all new parents and it is also available on the school's website.

### **Recording and Reporting Complaints**

In order to turn complaints to positive effect, records are kept so that at regular intervals (perhaps termly) both the senior managers of the school and the governing body can reflect on issues that have arisen and on the way in which they have been handled. The complaints co-ordinator is the most obvious person to hold these records and to collate them into a report for the Head teacher (if he or she is not the coordinator) and the governing body. Such a report could be a valuable self-evaluation tool. The governing body also considers reporting to parents any changes which have been made to the school's procedures as a result of parental feedback.

### **Complaints Made Other Than in Accordance with the Procedure**

Sometimes a complainant may be unfamiliar with, or unaware of, the complaints procedure; sometimes they may choose to take their complaint straight to governors or to other parties, such as the diocese or the Local Authority. In every such case, the procedure must be strictly adhered to, and the complaint redirected to its proper stage in the procedure. It is, therefore, important that all members of staff and all governors are fully aware of the procedure and that it is publicly available. **It is particularly important that governors know that they must not attempt to deal with complaints themselves, but should tell complainants to take their complaint to the school's complaints co-ordinator.**

### **Complaints Made to the Department for Education**

In unusual cases the Secretary of State may have the power to intervene if the governing body of the school has acted as no reasonable governing body would act. This is very unlikely to be the case unless the whole of the school's own complaints procedure has been exhausted.

### **Complaints to Ofsted**

The Education and Inspections Act 2006 at s.160 provides a procedure for Ofsted to investigate parents' complaints about a school. A complaint cannot be investigated unless the school's complaints procedure has been exhausted, subject to the Chief Inspector's discretion to waive this requirement.

### **Complaints to the Local Commissioner (Local Government Ombudsman)**

The Complaints against Schools (England) Regulations 2010 introduces a new independent complaints procedure run by the local ombudsman. This service investigates complaints against a school that a pupil

or parent has sustained an injustice in consequence of an act of the governing body or an exercise, or failure to exercise, prescribed functions of the head teacher. This does not include complaints relating to a decision about admission to a school or a matter in respect of which the complainant has or had a prescribed right of appeal.

### **Serial and Persistent Complainants**

We will do our best to be helpful to people who contact us with a complaint or concern or a request for information. However, in cases where the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, we will follow the DfE guidance below:

*There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.*

*If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, schools must be careful that they do not mark a complaint as 'serial' before the complainant has completed the procedure.*

*Note: The Department for Education does not itself use the term 'vexatious' when dealing with serial or persistent correspondents as it could potentially be inflammatory. However, it is a recognised term. In the context of Freedom of Information (FOI) requests, the Upper Tribunal concluded that 'vexatious' could be defined as the '...manifestly unjustified, inappropriate or improper use of a formal procedure.' An exemption therefore exists in Section 14(1) of the Freedom of Information Act 2000. However, this exemption can only be applied to requests themselves, and not the individuals who submit them.*

*More information about dealing with vexatious requests for information is available on the Information Commissioner's Office (ICO) website.*

*Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.*

***Is it time to stop responding?*** *The decision to stop responding should never be taken lightly. A school needs to be able to say yes to all of the following:*

- *The school has taken every reasonable step to address the complainant's needs;*
- *The complainant has been given a clear statement of the school's position and their options (if any); and 10*
- *They are contacting the school repeatedly but making substantially the same points each time. The case is stronger if the school agrees with one or more of these statements:*
- *The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?*

- *Their letters/emails/telephone calls are often or always abusive or aggressive.*
- *They make insulting personal comments about or threats towards staff.*

*Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.*

*Schools must provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005. However, where an individual's behaviour is causing a significant level of disruption schools may wish to implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.*

*Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the school is failing to comply with its legal obligations.*

*A school needs to ensure that they are acting reasonably and that any genuine complaint can still be heard.*

*If school staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the school, but to communicate instead with the LA who will co-ordinate any response.*

*Complainants who may have been restricted in their communications with the school can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.*

*Ultimately, if a complainant persists to the point that the school considers it to constitute harassment, legal advice should be sought as to the next steps.*

*In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.*

*Different procedures apply to FOI and Data Protection (DP) correspondence. You should talk to your FOI/DP advisor contact about those or approach the ICO for further advice.*

*Once a school has decided that it is appropriate to stop responding, they will need to let the complainant know; ideally, through a hard copy letter but an email will suffice.*

**Signed:**

**Chair of Governors**

**Date:**

**APPENDIX A:**

**EXAMPLE OF A COMPLAINT RECORD FORM (could be used for Stage 1 and Stage 2)**

**PART A: RECORD OF COMPLAINT**

**Complainant's Name:**

**Address:**

**Telephone:**

**Details of the Complaint:**

**Date Complaint Made:**

**Action Already Taken to Resolve the Matter: Complainant's View of what might resolve the issue:**

**PART B: ACTION TAKEN IN ACCORDANCE WITH THE COMPLAINTS PROCEDURE**

**Complaint Investigated By: Action (with dates):**

**Date of formal meeting with complainant:**

**Outcome of the Meeting:**