

# St Clare's Catholic Primary School



## Complaints Policy

*"I have come that they may have life and have it to the full"*

(John 10:10)

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## Background

At St Clare's Catholic Primary School, we undertake to provide a friendly and safe environment in which pupils will be helped to achieve their potential, both academically and socially. We recognise that sometimes things can go wrong, this complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint or raise concerns about any provision of facilities or services that we provided. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

We receive very few complaints but sometimes problems may arise from misunderstandings which could be easily addressed. If you have a concern it is important that you tell us as soon as possible, or generally within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents, as it is difficult for us to investigate an incident or problem properly if it took place some time ago. We will consider complaints made outside of this time frame if exceptional circumstances apply.

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

The governing body ensures that any third-party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedures. Therefore, they should be contacted directly with regards any complaints.

## Legislation

All maintained schools are required by law under Section 29(1) of the Education Act 2002 to have a Complaints Policy and must have regard to any guidance given from time to time (in relation to England) by the Secretary of State, when establishing and publishing complaints procedures relating to school and any facilities or services it provides. This policy may help resolve problems and provide a means for issues of concern to be raised and subsequently addressed. All complainants will be treated respectfully during and after the course of any complaints investigation and will receive a written response to their complaint, unless appropriate and reasonable measures have been put in place as a result of the 'Serial, Persistent and/or Vexatious Complainants' set out below.

## 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'*.

## Informal resolution

St Clare's Catholic Primary School will take all informal concerns seriously and make every effort to resolve the matter as quickly as possible. Where possible, complaints will be resolved through informal discussion and negotiation, without the need to invoke formal procedures. Thankfully most concerns can be sorted out by speaking with the child's class teacher. Where parents feel that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the headteacher. The headteacher considers any such complaint very seriously and investigates each case thoroughly. Most complaints are normally resolved by this stage. However, there are occasions when complainants would like to raise their concerns formally, in those occasions the school's formal procedures will be invoked through the stages outlined in this policy.

All complaints will be dealt with impartially and respect the complainants desire for confidentiality. We will enable a full and fair investigation, addressing all points at issue and provide an effective response and appropriate redress where necessary.

## **How to raise a concern or make a complaint**

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

## **Anonymous complaints**

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

## **Resolving Complaints**

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

- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that we will try to ensure the event complained of will not recur
- An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- An undertaking to review school policies in light of the complaint
- An apology

## **Withdrawing of a Complaint**

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

In the event of a concern or complaint being made the stages below will be followed:

## **Informal Action**

- The first point of contact will be the child's class teacher.
- If the matter cannot be resolved easily, clear details will be recorded, including complainants name, phone number, date and what the complainant thinks may resolve the issue. The teacher receiving the complaint may also consult the headteacher at this stage.
- The teacher or headteacher will ensure that the parent is clear what action or monitoring of the situation has been agreed.
- Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at a later stage of the procedure.
- Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office. Please mark them as Private and Confidential.
- Complaints that involve or are about the headteacher should be addressed to the Chair of Governor, via the school office. Please mark them as Private and Confidential.
- Complaints about the Chair of Governors, any individual governor or whole governing body should be addressed to the Clerk of the Governing Body, via the school office. Please mark them as Private and Confidential.
- For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like Citizens Advice to help you.
- In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it in stages as follows.

## **Stage 1: Formal consideration of the complaint**

- Formal complaints must be made to the headteacher, unless the complaint is about the headteacher. This may be done in person, in writing (letter or email), using the Complaints Form or by telephone
- The headteacher will record the date the complaint is received and acknowledge the complaint, within 5 school days of receiving communication and will enclose a copy of these procedures with the acknowledgement.
- The headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher may consider whether a face to face meeting is the most appropriate way of doing this. If the complainant wishes, they can ask someone to accompany them to help explain the reasons for the complaint.
- The headteacher or Chair of Governors may also be accompanied by a suitable person if they wish.
- The headteacher will investigate further, interviewing witnesses as appropriate. If the complaint centres on a pupil, the pupil would normally be interviewed with a parent present or, if this is not possible, with a member of staff who is not directly involved.
- If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
- The headteacher will keep written records of meetings, telephone conversations and other documentation.
- All details of a complaint will be kept confidential except in so far as they need to be shared with people who might contribute to their resolution
- Once all relevant facts have been established, the headteacher will respond. A formal written response will be sent within 10 school days. If unable to meet this deadline, the headteacher will provide the complainant with an update and revised response date.
- The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions St Clare's Catholic Primary School will take to resolve the complaint.
- If the complaint is justified appropriate redress will be offered.
- Staff will be given the same level of support as the complainant.
- If the complainant is still dissatisfied, they will be advised how to escalate their complaint to Stage 2.

If the complaint is made against the headteacher, or a member of the governing body, these must be made to the Clerk, via the school office.

If the complaint is jointly about the Chair and Vice Chair, the entire governing body or the majority of the governing body, Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, they will provide a formal written response.

## **Stage 2: Consideration of the complaint by review panel**

- A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 1 response.
- The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing within 10 school days.
- Requests outside of this time frame will only be considered if exceptional circumstances apply.
- The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
- If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting they will decide amongst themselves who will act as the Chair.
- The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainants needs.

- If the complainant wishes, they can ask someone to accompany them to provide support. We generally do not encourage either party to bring legal representatives. However, there may be occasions when legal representation is appropriate e.g. if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.
- Representatives from the media are not permitted to attend.
- At least 15 school days before the meeting the Clerk will:
  - Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that dates and venue are convenient and accessible
  - Request copies of any further written material to be submitted to the committee at least 10 school days before the meeting
  - Circulate any written material to all parties at least 5 school days before the meeting
- The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- The committee will not review any new complaint at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
- The meeting will be held in private. Electronic recordings of the meeting or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before the meeting or conversations take place. Consent will be recorded in any minutes taken.
- The committee will consider the complaint and all the evidence presented. The committee can:
  - Uphold the complaint in whole or in part
  - Dismiss the complaint in whole or in part
- If the complaint is upheld in whole or in part, the committee will:
  - Decide on the appropriate action to be taken to resolve the complaint
  - Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in future

The Chair of the committee will provide the complainant and St Clare's Catholic Primary School with a full explanation of their decision and the reason(s) for it, in writing, within 15 school days of the meeting.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by St Clare's Catholic Primary School.

If the complaint is:

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

Stage 2 will be heard by a committee of independent, co-opted governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions St Clare's Catholic Primary School will take to resolve the complaint.

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

### **Closure of complaints**

- Very occasionally, we may feel that we need, regretfully, to close a complaint where the complainant is still dissatisfied.
- We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainants wishes.
- If a complainant persists in making representations to the school – to the headteacher, designated governor, Chair of Governors or anyone else - this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.

- For this reason, we are entitled to stop correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint and the headteacher have informed the complainant that the matter is now closed.

For more information see our Managing Serial and Unreasonable Complaints Policy.

### **Next Steps**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonable in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

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

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

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

### **Monitoring and review**

The governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. The headteacher logs all complaints received by the school, and records how they were resolved and the outcome of the investigation. Governors examine this log on an annual basis. Governors take into account any local or national decisions that affect the complaints process and make any modifications necessary to this policy.

This policy is reviewed annually, or before if necessary.



## Scope of this Complaints Procedure

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

Exceptions	Who to Contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Bradford Local Authority.</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). See <a href="#">Bradford Safeguarding Partnership</a> for more details.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school may complain through the school's complaints procedure. You may also be able to complain direct to the LA, the Department for Education, depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

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

# Complaint Form

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

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>
<b>What actions do you feel might resolve the problem at this stage?</b>

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**