



School Complaints Policy

The community of St. Charles School believes that Jesus is at the heart of everything we do. We are committed to giving every child, every opportunity to achieve their potential in mind and body in a happy, safe and caring environment.

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Background

Since September 2003 Governing Bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, to have a procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides.

In October 2000 The Human Rights Act came into force, and schools should be mindful to give consideration to Article 6, "The Right to a Fair Trial". All schools must have a publicised complaints procedure.

- There are certain complaints which fall outside the remit of the Governing Body's complaints procedure. They include:
 - Matters that are the responsibility of the Local Authority

- Conduct of staff at the school
- Content of a statutory statement of special educational needs
- Pupil admissions
- Pupil exclusions
- The national curriculum and related issues including religious education
- Child protection

The section entitled **Scope of this Complaints Procedure** explains where to direct complaints about these issues.

- The Governing Body should ensure that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

Further reading: DFE Best Practice Advice for Schools 2016

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 to St Charles RCVA Primary about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

The difference between a concern and a complaint

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

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

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. <School Name> takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, your complaint will be directed to John Burke, the Headteacher. Similarly, if the member of staff directly involved feels unable to deal with a concern, they will refer you to another staff member or John Burke. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, St Charles RCVA Primary will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Purpose of a Complaints Procedure

This procedure aims to reassure parents and others with an interest in the school that:

- Where possible, complaints will be dealt with informally and at the lowest possible level in school in order to reach a resolution promptly;
- Any complaint against the school will be dealt with in a fair, open and responsive way, with the aim of achieving a speedy and satisfactory resolution; and
- The school recognises that a willingness to listen to questions and criticism and to respond positively, can lead to improvements in school in practices as well as provision.

An effective Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised be simple to understand and use
- be impartial be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality wherever possible
- address all the points at issue and provide an effective response and appropriate redress, where necessary

Investigating Complaints

It is suggested that at each stage, the person investigating the complaint makes sure that they:

- 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
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

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 schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- it would be useful if complainants were encouraged to state what actions/outcome they feel might resolve the problem at any stage
- an admission that the school could have handled the situation better is not the same as an admission of negligence
- 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

An effective 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.

Complaints received outside of term time

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

Recording Complaints

Schools should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, in writing (email). An example of a complaint form can be found in Appendix 2. At the end of a meeting or telephone call, it would be helpful to ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record.

Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by St Charles RCVA Primary 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">• Admissions to schools• Statutory assessments of Special Educational Needs	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Durham County Council

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

Monitoring the Policy

The Governing Body should review their Complaints Policy regularly and monitor the number and range of complaints received, how these were dealt with and any action taken. The monitoring and review of complaints can be a useful tool in evaluating the school's performance.

Complaints about the Head Teacher

Where it is clear that a complaint is against the Head Teacher the matter has to be referred immediately to the Chair of Governors who, acting as line manager, will be responsible for dealing with the matter.

It is not always clear if the complaint is against the Head Teacher given they are responsible for all operational decisions across the school even if made by other staff. In most cases complaints raise concerns around the conduct of the Head Teacher. In any event, advice from the Local Authority should be sought.

School and Governor Support Service can assist in the investigation of such complaints if the individual schools have bought back into the Support to Chairs Service Level Agreement. If not, support can be arranged but at a higher cost.

Complaints about a Governor

Complaints against a member of the governing body should be addressed to the Chair of Governors. When the complaint is against the Chair a complaint should be addressed to the Vice Chair. In any event, advice from the Local Authority should be sought.

Time Scales and Time Limits

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

Withdrawal of a Complaint

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

Complaints Policy Stage 1

Informal Stage – Complaint heard by staff member

It is in everyone's best interest that complaints are resolved at the earliest possible stage and as quickly as possible. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. Therefore, if staff and Governors are aware of the policy they will know what to do should they receive a complaint.

If the member of staff involved feels too compromised to deal with a complaint, the complaint could be referred to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial. Where the complaint concerns the Head Teacher the complainant is referred to the Chair of Governors.

Where the first approach is made to a Governor, the complainant should be referred to the appropriate person and advised of the policy. Governors should not act unilaterally on an individual complaint given that they may be required to sit on a panel at a later stage of the procedure.

The Head Teacher's influence may already have shaped the way complaints are handled in the school and resolved the complaint at this stage. If the informal process has been exhausted and no satisfactory solution has been found the complainant should be advised that their complaint could progress to Stage 2 of the policy.

If the complainant is not satisfied with the response they should request that their concerns be referred to the Head Teacher (if they have not already dealt with the issue). The complainant should be invited to put the complaint in writing to the Head Teacher (or Chair of Governors if the complaint is against the Head Teacher) using the form attached at Appendix 2. The form should be sent to the Head Teacher or Chair of Governors, as appropriate, as soon as possible. The Chair of Governors can be contacted via the school. The Head Teacher will seek any necessary clarification of the concerns including interviewing the complainant where this would be helpful. The Head Teacher will advise the complainant of the outcome of their consideration. Other than in exceptional circumstances the Head Teacher should provide a response to the complainant within 15 school days of them requesting the involvement of the Head Teacher.

Stage 2 – Complaint heard by Head Teacher

Where the Head Teacher has addressed the complaint at Stage 1 the matter should progress to Stage 3 and be heard by a Committee of the Governing Body. Where another staff member has addressed the complaint at Stage 1, the Head Teacher will hear this stage.

The Head Teacher should acknowledge the written complaint upon receipt and provide an opportunity to meet the complainant to discuss the complaint. At this point the Head Teacher may still seek to resolve the complaint informally.

The Head Teacher will investigate the complaint and a written response will normally be made within 15 school days of receipt of the complaint. If this is not possible, an extension can be agreed.

The written response will include reasons for the conclusions reached by the Head Teacher, what action, if any, the school proposes to take to resolve the matter and advise the complainant of the right to request a meeting with Governors if they remain dissatisfied with the outcome.

The complainant will have 10 school days from receipt of the outcome in which to ask for an appeal.

Stage 3 – Appeal Heard by a Committee of the Governing Body

Where a complainant has made an approach to the school through the formal stage and is not satisfied with the outcome, they should write to the Clerk to the Governing Body within 10 school days giving details of their concerns and asking for an appeal against the decision or action taken by the Head Teacher. The Clerk will seek to arrange a meeting of the appropriate Committee of the school's Governing Body within 20 school days.

The Governing Body of the school will only hear appeals that have already progressed through Stages 1 and 2 of this procedure.

As the Chair of Governors may be involved at an earlier stage in the procedure (particularly where the complaint is about the Head Teacher) it may be wise not to include the Chair as a member of the Committee to avoid any possible challenge that the Chair was not sufficiently impartial.

This is the last stage of the complaints policy.

The Complaints Committee

The Committee should consist of no less than three Governors who will appoint their own Chair. The Head Teacher would be expected to attend the appeal hearing to give evidence and explain the conclusions.

The Committee can:

- 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.

Notification of the Committee's Decision

The Chair of the Committee needs to ensure that the complainant is notified of the Committee's decision, in writing.

The Clerk to the Governing Body will notify in writing the outcome of the appeal to the complainant and Head Teacher within five school days of the hearing.

Further Recourse

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably 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 <School Name>. They will consider whether <School Name> 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: 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.

Local Government Ombudsman

- If a complainant feels that there has been maladministration in the manner in which a complaint has been dealt with, they can take this to the Local Government Ombudsman. The Ombudsman can investigate complaints about how something has been done but they cannot question what has been done simply because someone does not agree with it. The Ombudsman cannot investigate the internal management of schools and colleges.
- The Ombudsman would not take action until the school procedures have been completed.

Contact Details: Local Government Ombudsman Advice Team 0300 061 0614 email enquiries@legalombudsman.org.uk

Vexatious Complaints

If properly followed, the complaints procedure will limit the number of complaints that become protracted. However, there will 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 Clerk to the Committee hearing the complaint at Stage 3 of the process is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Complaint Form

Your name:

Pupil's name:

Name of School:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

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)?

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

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix 2

Procedure for Hearing the Complaint

Introduction

The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant.

Order of Meeting

1. The Chair welcomes the complainant and asks those present to introduce themselves.
2. The Chair explains the purpose of the meeting, the procedure, and checks that all written evidence has been made available to all parties.
3. The complainant explains their complaint, calling witnesses if appropriate.
4. The Committee and Head Teacher may ask questions of the complainant and witnesses.
5. The Head Teacher is then invited to present a response to the complaint, including action taken to address the complaint at stages 1 and 2 of the procedure, calling witnesses, if appropriate.
6. The Committee and complainant may ask questions of the Head Teacher.

7. The Head Teacher summarises the schools position, highlighting evidence, including anything that has emerged in the questioning.
8. The complainant summarises their case, highlighting evidence, including anything that has emerged in the questioning.
9. The Chair of the Committee checks that all parties feel that they have had a fair hearing and reminds everyone of the confidentiality of the case.
10. The Chair of the Committee thanks both parties for attending and gives an indication of when they can expect to hear the outcome. All parties then leave the room together.
11. The Committee considers the complaint and reaches a unanimous or majority decision. Where necessary, the Committee decides what action to take to resolve the complaint and, if appropriate, recommends changes to ensure similar complaints are not made in future.
12. Both parties will be informed of the outcome of the complaint in writing by the Clerk within 5 school days of the hearing.

Appendix 3

Complaints Flowchart Concern or Complaint Received

STAGE 1 - INFORMAL STAGE	
SCHOOL ACTION	
<p>Informal discussion with the relevant class teacher or other relevant member of staff usually resulting in resolution to the issue. If the complaint is about the Head Teacher – proceed to Stage 2 *</p>	<p>The person is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the school's complaints procedure and information on how to proceed to stage 2. If the Head Teacher has addressed the complaint at this stage then the matter should progress to stage 3.</p>

STAGE 2 – FORMAL STAGE	
COMPLAINT HEARD BY HEAD TEACHER	
<p>The complaint is submitted, either verbally or in writing, to the Head Teacher.</p>	<p>The Head Teacher acknowledges receipt and provides a full written response within 15 school days. Information is provided to the complainant on how to progress the complaint to stage 3.</p>

STAGE 2 * – COMPLAINT HEARD BY CHAIR OF GOVERNORS (if about the Head Teacher)	
<p>A written complaint is submitted to the Chair of Governors.</p>	<p>The Chair acknowledges receipt and provides a full written response within 15 school days. Information is provided to the complainant on how to progress the complaint to stage 3.</p>

STAGE 3 – APPEAL HEARD BY A COMMITTEE OF THE GOVERNING BODY	
<p>Complainant writes to the Chair or Clerk to the Governing Body requesting that the complaint be heard by the Committee within 10 school days of receiving the response.</p>	<p>Clerk arranges for Committee to meet within 20 school days from receipt of letter and informs the complainant of findings with 5 school days of hearing. Information is provided to the complainant on how to progress the complaint to the Secretary of State and/or Local Government Ombudsman.</p>

FURTHER RECOURSE

Complainant writes to the Secretary of State or the Local Government Ombudsman if they feel there has been maladministration.

The Secretary of State may intervene if a Governing Body or the LA has acted unreasonably.

Policy reviewed 2020