Aim high, be courageous, show love

St NICHOLAS

C of E Primary School, Kenilworth

Part of

Inspiring Educational Excellence for Everyone

ARDEN forest

C of E Multi Academy Trust

# COMPLAINTS POLICY

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| **Adopted:** | **January 2025** | **Amended:** | **August 2025** |
| **Review:** | **January 2027** | | |

**This policy must be read in conjunction with the Complaints Procedure.**

## 1. Background

St Nichols C of E Primary School is committed to providing the very best education for our young people and we want our pupils to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the School's Complaints Procedure sets out the steps that should be followed in order to resolve these as promptly, fairly and informally as possible.

## 2. Legal framework and guidance

2.1. This policy (alongside the complaints procedure) meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that the school must have and make available a written procedure to deal with complaints from parents/carers of pupils at the school.

2.2. This policy (alongside the complaints procedure) also has due regard to best practice guidance for academies complaints procedures published by the Education and Skills Funding Agency (ESFA).

2.3 This policy complies with our funding agreement and articles of association.

## 3. Aims and Principles of the Policy

This Policy aims to:

- ✓ Encourage the resolution of concerns and complaints by informal means wherever possible
- ✓ Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- ✓ Provide effective and appropriate responses to concerns and complaints
- ✓ Maintain good relationships between the School and all those involved

Where concerns are raised, the School intends for these to be dealt with fairly, openly and promptly. This Policy must be read alongside the School's Complaints Procedure.

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 policy and procedure, making them available on the school website.

Where appropriate, the School ***may*** offer mediation to resolve a concern or complaint at any stage of the process. The School may also use someone independent from the School to investigate a complex issue and to report back to the Headteacher or Chair of Governors (depending on which stage of the process the complaint is being dealt with).

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

Should the need arise, such as a complaint reaching Stage 4 of the process, the Complaint Review Committee (CRC) may consist of, or include, governors from within the Arden Forest C of E MAT or schools outside the MAT. The school's Complaints Procedure sets out that parents have the right to attend and be accompanied at a panel hearing, which may be held in person or virtually.

## 4. Scope of this Complaints Policy

School Governing Boards are required under Section 29(1) of the Education Act 2002 to have in place a procedure for dealing with complaints relating to the school. The School's Complaints Procedure covers all complaints about any provision of community facilities or services by St Nichols C of E Primary School other than complaints that are dealt with under other statutory procedures, including those listed below.

| Exceptions | Who to contact |
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| • Admissions to schools<br>• Statutory assessments of Special Educational Needs under Children & Families Act 2014 | Concerns about admissions or statutory assessments of Special Educational Needs, should be raised with Warwickshire County Council |
| • Matters likely to require a Child Protection Investigation | Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.<br>Any child protection complaints should be directed to the LA designated officer (LADO) 01926743433 or the Multi-Agency Safeguarding Hub (MASH) 01926414144. |
| • Exclusion of children from school* | Complaints about pupils being excluded from school should be dealt with by following the process explained at: www.gov.uk/school-discipline-exclusions/exclusions |
| • Staff grievances, conduct and disciplinary procedures | Complaints from staff will be dealt with under the school's internal grievance procedures. |
| • Whistleblowing | School has an internal whistleblowing procedure for all our employees, including temporary staff and contractors.<br>Complaints of this nature should **not** be addressed using this complaints procedure. These concerns can be directed to Ofsted by telephone on 0300 123 3155 or via email at whistleblowing@ofsted.gov.uk<br>Volunteers who have concerns about the school should make their complaint in line with this policy. Volunteers may also be able to complain direct to the LA or DfE, depending on what the complaint is about. |

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| • National Curriculum - content | Please contact the Department for Education at: www.education.gov.uk/contactus |
| • National Curriculum – RE and RSE | Complaints about how the school delivers RE and RSE **will** be dealt with using this complaints procedure.<br><br>Any complaints about the content of collective worship should be made to the local Standard Advisory Council on Religious Education or another relevant body.<br><br>Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this complaints procedure. |
| • Complaints about services provided by other providers who may use school premises or facilities | Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct. |

Arrangements for handling complaints from parents of children with Special Educational Needs and Disabilities (SEND) about the school's support are within the scope of this policy. Such complaints should first be made to the class teacher and SENDCo; they will then be referred to the complaints policy. Our SEND 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.

## 5. Exceptional circumstances

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm
- Pupils are missing education
- A complainant is being prevented from having their complaint progressed through the school's complaints procedure
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

If a Social Services authority decides to investigate a situation, the Headteacher or governing board may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are admissions decisions, certain decisions relating to formal assessment of SEND and decisions to permanently exclude a child.

If a complainant commences legal action against the school in relation to their complaint, the school will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

## 6. Roles and responsibilities

6.1 The **Complainant** (or person who makes the complaint) will receive a more effective response to the complaint if they:

- Co-operate with the school in seeking a solution to the complaint.
- Express the complaint / concern in full at the earliest possible opportunity, including the outcome they are looking for.
- Promptly respond to any requests for information or meetings or in agreeing the details of the complaint / concern.
- Ask for assistance as needed.
- Treat all those involved in the complaint with respect.
- Refrain from publicising the details of their complaint on social media and respect confidentiality.

6.2 The **Complaints co-ordinator** – Debbie Slack

The Complaints co-ordinator will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, UK UK GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- Keep up-to-date records throughout the procedure – these records will be kept securely (whether in hard copies or digitally on the school's ICT system) and retained in line with the school's record retention schedule.
- Liaise with staff members, Headteacher, Chair of Governors and Governance Professional to ensure the smooth running of the complaints procedure
- Be aware of issues regarding sharing third party information.
- Understand the complainant's need for additional support, including interpretation support, and be aware of any issues concerning this

6.3 The **Investigator** (*the person involved in stages 2 and 3 of the procedure)* will

- Provide a sensitive, open, transparent and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Consider all records, evidence and relevant information provided.
- Interview all staff and pupils and other people that are involved in the complaint.
- Conduct interviews with an open mind and be prepared to persist in the questioning.
- Analyse all information in a comprehensive and fair manner.
- Liaise with the complainant and complaints co-ordinator to clarify an appropriate resolution to the problem.
- Keep notes of interviews or arrange for an independent note taker to record minutes of meetings.
- Ensure that any papers produced during the investigation are kept securely pending any review.
- Be mindful of timescales and ensuring all parties involved are aware of these timescales.
- Prepare a comprehensive report for the Headteacher or Complaint Review Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher/Chair of Governors/CRC will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

6.4 The **Chair of the Complaint Review Committee** will:

- Ensure that both parties are asked (via the Governance Professional) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- Ensure written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or UK GDPR.
- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the panel to the complainant.

- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.

- Help to put at ease individuals involved who are not used to speaking at such hearings, particularly any pupils involved.

- Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.

- Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.

- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.

- Give both the complainant and the school the opportunity to state their case and seek clarity without undue interruption.

- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.

- Organise a short adjournment of the hearing if required.

- Continuously liaise with the Governance Professional and complaints co-ordinator to ensure the procedure runs smoothly.

- Help to provide the support necessary where the complainant is a child.

6.5 All **Complaint Review Committee Members** will remember that:

- The review panel hearing is independent and impartial.

- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.

- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.

- Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.

- The aim of the meeting (which will be held in private) will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it must be recognised that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his / her complaint has been taken seriously.

The Complaint Review Committee can:

- ❖ Dismiss or uphold the complaint, in whole or in part.
- ❖ Decide on appropriate action to be taken.
- ❖ Recommend changes that the school can make to prevent reoccurrence of the problem.

Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.

When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

The panel members should respect the views of the pupil and give them equal consideration to those of adults.

If the pupil is the complainant, the panel members should ask in advance if the support is needed to help them present their complaint.

If the pupil's parent / carer is the complainant, the panel members should give the parent / carer the opportunity to say which parts of the meeting, if any, pupil needs to attend.

However, the parent / carer should be advised that agreement might not always be possible if the parent wishes the pupil to attend a part of the meeting that the panel members consider is not in the pupil's best interests.

The welfare of the pupil is paramount.

6.6 The **Panel Governance Professional** will be the contact point for the complainant and the Complaint Review Committee (CRC) members. They will circulate the relevant papers and evidence before the CRC meeting and will:

- Provide procedural advice and guidance.
- Continuously liaise with the complaints co-ordinator.
- Record the proceedings.
- Provide administrative support for the meeting, including convening it.
- Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
- Produce a record of the Complaint Review Committee Meeting.
- Act in accordance with the policy and procedure.

## 7. Making a complaint

7.1 Complaints are not restricted to parents of attending pupils. The school will consider all complaints.

7.2 The school will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised on the school's website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using information gathered during the procedure to inform the school's SLT.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

7.3 Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.

7.4 The school upholds a 3-month time limit in which a complaint can be lodged regarding an incident.

7.5 Complaints made outside this time limit will not be automatically refused and exceptions will be considered.

7.6 In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

7.7 Complaints should be made using the appropriate channels of communication, including the use of the Complaint Form *(Appendix 1)*.

7.8 All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau).

7.9 A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.

7.10 Any complaint made against a member of staff will be initially dealt with by the Headteacher, and then by a committee of the governing board.

7.11 Any complaint made against the Head teacher shall be initially dealt with under stafe 2* of the Complaints Procedure. This is typically the Chair of Governors although an independent investigator may be appointed.

7.12 Any complaint made against the chair of governors or any other member of the governing board should be made in writing to the Governance Professional to the governing board.

7.13 Any complaint made against the entire governing board, or complaints involving the chair and the vice chair, should be made in writing to the Governance Professional. The Governance Professional will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school.

7.14 Under some circumstances, it may be necessary to deviate from the complaint's procedure. Any deviation will be documented.

7.15 Information about a complaint will not be disclosed to a third party without written consent from the complainant.

**Appendix 1 - Complaint Form**

Please complete and return to Clare Baskott (Complaints Co-ordinator) who will acknowledge receipt and explain the next step of the process.

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| **Your name**: |
| **Pupil's name (if relevant):** |
| **Your relationship to the pupil (if relevant):** |
| **Address:**<br><br>**Postcode:**<br><br>**Day time telephone number:**<br><br>**Evening telephone number:** |
| **Please give details of your complaint** |
| **What action has been taken so far (including staff member who has dealt with it) or solutions offered:** |
| **What actions do you feel might resolve the problem at this stage? What outcome are you expecting?** |

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| **Are you attaching any paperwork? If so, please give details.** |
| **Signature:**<br><br>**Date:** |
| |
| *Official use* |
| *Date acknowledgement sent:* |
| *By who:* |
| *Complaint referred to:* |
| *Date:* |