



*Aim high, be courageous, show love*  
**St NICHOLAS**  
**C of E Primary School, Kenilworth**

Part of



# COMPLAINTS PROCEDURE

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

**This procedure must be read in conjunction with the Complaints Policy.**

## Introduction

Inevitably there will be occasions when parents / carers / stakeholders are worried or concerned about issues arising from their child's experiences whilst in the care of St Nichols C of E Primary School . Many of these issues are more correctly identified as concerns rather than complaints. St Nichols C of E Primary School is committed to taking such concerns seriously at the earliest stage and resolving them to the satisfaction of all parties as quickly as possible. However, on the rare occasions when a concern cannot be resolved, we have a formal complaints procedure which is outlined below.

The prime aim of St Nichols C of E Primary School policy is to resolve any complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. Serial and Unreasonable Complaints will incur appropriate action by the school – please see the Policy for Serial and Unreasonable Complainants for further guidance in this regard.

## Definition

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. The school will resolve concerns through day-to-day communications as far as possible.
- A **complaint** is defined as “an expression of dissatisfaction however made about actions taken or a lack of action”.

Any concern or complaint will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.

A '**grievance**' is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school's Grievance Policy.

Where the Complainant has a concern or query about any aspect of the school or their child's education or wellbeing, we invite them to raise this with their child's class teacher in the first instance. Ideally the class teacher will be able to address the Complainants' concerns immediately or can arrange a meeting with them to discuss the issue.

All concerns will be dealt with confidentially, although it may be necessary to take notes if the matter may need to be taken further or may arise again in the future.

If a complainant has difficulty discussing a concern with a particular member of staff, we will respect their views. In these cases, Debbie Slack will refer them to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Complaints Co-ordinator, will refer them to another staff member. 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 Nichols C of E Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## Complaint Process from Start to Finish

### Concern or Complaint Received

#### Stage 1 – INFORMAL STAGE

| SCHOOL ACTION  |  |
|--|--|
| <p>Informal discussion with the class teacher or other relevant member of staff, usually resulting in the resolution of the issue.</p> <p><b>If the complaint is about the Headteacher – proceed to Stage 2*</b></p> | <p>Within 7 school days, the complainant is informed of the action to be taken to resolve the issue.</p> <p>If they are not satisfied with the outcome a copy of the school's complaint procedure will be given together with information on how to proceed to Stage 2.</p> <p>If the Headteacher has addressed the complaint at this stage, then the matter should progress to Stage 3.</p> |

#### FORMAL STAGE

##### Stage 2 – COMPLAINT HEARD BY HEAD TEACHER

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| <p>The complaint is submitted to the Headteacher</p> | <p>Within 5 school days the Headteacher will acknowledge receipt of the complaint and after investigation will provide a full written response to the complainant within 15 school days.</p> <p>If the complaint is not resolved at the stage, information is given on how to progress the complaint to Stage 3.</p> |
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##### Stage 2\* - COMPLAINT HEARD BY CHAIR OF GOVERNORS (if the complaint is about the Head teacher)

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|--|--|
| <p>A written complaint is sent to the Chair of Governors</p> | <p>The Chair of Governors acknowledges receipt and provides a full written response within 15 school days.</p> <p>If the complaint is not resolved at the stage, information is given on how to progress the complaint to Stage 4.</p> |
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##### Stage 3 – INVESTIGATION BY THE CHAIR OF GOVERNORS

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|--|---|
| <p>Complainant writes to the Chair of Governors within 10 school days of receiving the response confirming they remain dissatisfied and requesting further investigation of their complaint.</p> | <p>The Chair acknowledges receipt and provides a full written response within 20 school days.</p> <p>If the complaint is not resolved at the stage, information is given on how to progress the complaint to Stage 4.</p> |
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#### Stage 4 – COMPLAINT REVIEW COMMITTEE (CAP)

Complainant writes to the Governance Professional of the Governing Board within 10 school days of receiving the response, requesting an appeal to be heard by a Complaint Review Committee.

The Governance Professional will acknowledge receipt of the complaint within 5 school days and will arrange for a CRC to meet within 20 school days.

Once the CRC meeting has taken place, the Governance Professional will inform the Complainant of the outcome within 5 school days.

#### Final Stage - APPEAL

If the Complainant remains dissatisfied with the outcome, they have the right to refer their complaint to the Secretary of State.

The Secretary of State may intervene if a Governing Board has acted unlawfully or unreasonably.

**NB:** Every effort will be made to meet the timescales stated but if it is not possible to meet them at **any** stage of the process the complainant will be contacted with an explanation and a revised date.

## Stage 1 - Informal Stage

Concerns may be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The Complainant should start by sharing their concerns with the class teacher as this is usually the best and quickest way of resolving issues. In some cases, the concern raised may require investigation, or the class teacher may feel it more appropriate to refer the Complainant to a more senior or experienced member of staff who will try to resolve the concern informally. In this case the Complainant should receive an informal but considered response within 7 school days.

- It is recommended that the Complainant makes an appointment to speak to the class teacher as soon as possible as this will give both parties the opportunity to talk about the issue without being interrupted
- It is important to recognise that schools are busy organisations and may not be able to offer an appointment straight away
- The purpose of this meeting should be to establish the nature of the concern and to seek a resolution to the problem
- To prevent any later challenges or disagreements over what was said, it is good practice for the class teacher to make brief written notes of meetings and telephone calls and a copy of any written response should be added to the record. These notes are kept securely (whether in hard copies or digitally on the school's ICT system).
- They may need to talk to others before they can respond. The Complainant should be given a timescale for a response; no more than 7 school days.

Most concerns will be satisfactorily dealt with in this way. However, if the Complainant is not happy with the informal approach then a formal complaint must be made to the Headteacher (complaints regarding the Headteacher must be made to the Chair of Governors) within 10 school days via the school office, giving the reasons for the continued concern.

This may be done in person, in writing (preferably on the Complaint Form *Appendix 1*), or by telephone. The issue will then be escalated to **Stage 2 – Formal Complaint made to the Headteacher.**

At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.

- If the complaint is about the Headteacher, the Complaints Co-ordinator should be informed and the complainant can then be referred to the Chair of the Governing Board.
- If a complaint is made to a governor, the complainant should be referred to the appropriate person e.g. the Headteacher. The governor in question should **not** act on a complaint outside the adopted school procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

## Stage 2 – Formal Complaint made to the Headteacher

Stage 2 of the process should be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the head teacher will contact the complainant to inform them of a revised target date.

Formal complaints can be raised:

- By letter or email
- Over the 'phone
- In person
- By a third party acting on behalf of the complainant

The Complaints Co-ordinator will record the date the complaint is received by completing a Complaint Tracker Form (see *Appendix 2 for an example*) and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

It may be appropriate for an appointment with the headteacher to be made, as soon as reasonably practical, to avoid any possible worsening of the situation.

In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant can arrange alternative accompaniment.

The headteacher (or other member of the Senior Leadership Team appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation should be sent to the complainant within 15 school days.

Where the headteacher or chair of the governing board has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely (whether in hard copies or digitally on the school's ICT system) and, where appropriate, encrypted.

The Headteacher or investigator will consider the complaint and in doing so will:

- Establish what has happened so far, and who has been involved;
- Meet or contact the Complainant if they need further information;
- Clarify how the Complainant may feel things could be put right (if this has not been set out in their letter or included on the Complaints form);
- Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish;
- Conduct any interviews with an open mind;
- Keep notes of any interview for the record.

The Headteacher or investigator will keep in mind ways in which the complaint can be resolved. It may be enough 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 (please note this is not 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 policies and practice in light of the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

Once all facts are established, within a maximum of 15 school days the Head teacher should contact the complainant in writing with an explanation of the decision.

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 Nichols C of E Primary School will take to resolve the complaint.

The complainant will be advised of any escalation options (for example, escalation to Stage 3) and provided with details of this process.

Complaints can be escalated by contacting the Governance Professional to the governing board:

- by letter or email
- over the 'phone
- in person
- through a third party acting on behalf of the complainant

The Governance Professional will need the details of the complaint, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The complainant will also be provided with copies of approved minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

Any further action the school plans to take to resolve the issue will be explained to the complainant in writing.

### **Stage 3 – Investigation by the Chair of Governors**

The complainant should submit any complaint in respect of the head teacher's investigation in writing (or via an alternative method if necessary) within 10 school days to the chair of governors.

The chair of governors will carry out an investigation (or appoint another governor/ external consultant to carry out the investigation) and consider all available evidence.

The complainant and the headteacher should be informed of the outcome within 20 school days of the chair of governors receiving the complaint. The complainant will be advised of any escalation options (for example, escalation to stage four) and will be provided with details of this process.

The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

#### **Stage 4 – Complaint Review Committee (CRC)**

If the complainant is not satisfied with the way the process has been followed, considers the decision to be perverse, or believes that the chair has acted unreasonably, they may request that the governing board reviews the complaint (stage four).

Following receipt of a Stage 3 outcome, the complainant may write to the Governance Professional within 10 school days requesting a Complaints Review Committee meeting (CRC). Any requests received outside of this time frame will only be considered if exceptional circumstances apply.

This is the **final stage of the complaints procedure**.

The Governance Professional to the Governing Board will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

The acknowledgement letter will confirm the date that the formal request to review the decision was received, the action to be taken and the specified time limit. It will also include the names of the Complaints Review Committee members. If this is not possible, the Governance Professional will provide an anticipated date and keep the complainant informed.

If the complainant believes there is likely to be bias in the proceedings, they reserve the right to request an independent Committee - complainants should provide evidence to support their request. Whilst the final decision regarding such a request rests with the Complaints Review Committee it should be granted where the appearance of bias is enough to taint any decision reached.

The Complaints Review Committee will consist of at least 3 Governing Board Members who were not directly involved in any matters detailed in the complaint, and with no prior involvement or knowledge of the complaint.

To appoint a governor from another school onto an independent complaints review committee, the governing board does not have to enter into, or already be in, a formal arrangement under the School Governance (Collaboration) (England) Regulations 2003.

The Governance Professional will write to the complainant to inform them of the date of the Complaints Review Committee meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 3 request.

If this is not possible, the Governance Professional will write to the complainant and the school representative within the specified time limit setting out the reasons why the time limit cannot be complied with and confirm the new time limit which will apply.

The Complaints Review Committee will normally meet in person, but it may meet virtually using secure online platforms where appropriate. The complainant will always be given the opportunity to attend and may be accompanied at the panel hearing, either in person or

virtually. If the complainant chooses not to attend, or is unable to attend after reasonable efforts to agree a date, the Committee may proceed to consider the complaint based on written representations.

In some circumstances, it may be possible and appropriate for the Chair of the Complaints Review Committee to resolve the issue with the Complainant without the need for a Complaints Review Meeting.

The Complainant must be given reasonable notice of the date of the Complaints Review Committee Meeting; however, if they reject the offer of three proposed dates without good reason, the Governance Professional will decide when to hold the meeting. It may then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complainant is invited to attend the Complaints Review Committee Meeting, they may bring someone along to provide support. This can be a friend, relative, advocate or interpreter but they will not play any part in the proceedings unless invited to do so by the Chair. The name of any companion attending must be advised to the Governance Professional 10 school days before the meeting. There may be occasions when legal representation is appropriate, such as 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.

If attendance of any pupil is required at the Complaints Review Committee Meeting, parental permission will be sought if they are under the age of 18 years. A pupil has the right to be accompanied and extra care will be taken to consider the vulnerability of children where they are present.

Representatives from the media are not permitted to attend.

Once the Complaints Review Committee Meeting has been arranged, the Governance Professional will write to the complainant to confirm the date, time, and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible. The Governance Professional will also request copies of any further written material to be submitted to the Committee members.

A copy of the letter should be sent to the school representatives and the Complaints Review Committee members.

Any written material that the Complainant and School representatives wish to submit in relation to their complaint must be sent to the Governance Professional at least 10 school days before the Complaints Review Meeting.

The Complaints Review Committee Members reserve the right not to consider any written material presented by either the complainant or the school less than 10 working school days prior to the Governing Board Review Meeting or at the meeting itself.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The Complaints Review Committee Members will not normally accept, as evidence, any recordings of conversations that were obtained covertly and without the informed consent of all parties concerned.

The Committee Members will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints will be dealt with from Stage 2 of the procedure.

Electronic recordings of meetings 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 meetings or conversations take place. Consent will be recorded in the notes.

If the Complainant(s) or School representatives wish to call witnesses, the names of these potential witnesses must be given to the Governance Professional at least 10 school days before the meeting. The Complaints Review Committee Members will consider the appropriateness of any witnesses requested.

The Complaints Review Committee Members are under no obligation to hear oral evidence from witnesses but may do so and /or may take written material into account.

The Complainant(s) and School representatives are responsible for ensuring that any witnesses are aware of the time / date / location of the meeting.

The decision of the Complaints Review Committee is final and will be communicated in writing to the complainant and school representatives within 10 school days. The recommendations and findings will be made available for inspection on the school premises by the Headteacher.

If it is not possible to meet this timeline, then the Chair of the Complaints Review Committee will contact both parties to discuss a mutually convenient date.

The Complaints Review Committee members will consider the complaint and all the evidence presented. They can make the following decisions:

- Uphold the complaint in whole or in part.
- Dismiss the complaint in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Where appropriate, recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The Governance Professional will record the proceedings in the form of minutes. The typed minutes are a summary of the procedure followed and the discussions taking place at the meeting but will not include the deliberations of the panel. Notwithstanding this, full and comprehensive notes of the decision taken by the Complaints Review Committee should be taken. The minutes are the property of the Complaints Review Committee, and the final approved version can be made available upon request, with release subject to Data Protection rules.

The Complaints Review Committee will ensure that their findings and recommendations are sent by electronic mail or otherwise given to the complainant.

Where relevant, the person complained about will receive an approved summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under Data Protection legislation.

The Complaints Review Committee will also ensure the findings and recommendations will be available for inspection on the school premises by the Headteacher (and / or proprietor).

A written record will be kept of all complaints, and the stage they were resolved or whether they proceeded to a Complaints Review Committee Meeting, together with the actions been taken, regardless of the decision.

All correspondence, documents and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## **Final stage – Appeal**

If a complainant has exhausted the academy's complaints procedure, they will be advised that they can submit a complaint to the DfE, guidance and the online form can be found [here](#) or complaints can be made in writing to:

Department for Education  
School complaints compliance unit  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## **Interviewing witnesses**

When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another independent member of staff. In the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents / carers.

The school will ensure that the conduct of interviews does not prejudice an LA designated officer's (LADO), or police investigation.

The school understands the importance of ensuring a friendly and relaxed area which is free from intimidation.

All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

The interviewee will sign a copy of the transcription of the interview.

## **Recording a complaint**

A written record shall be kept of any complaint made, whether made via phone, in person or in writing detailing:

- The main issues raised the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route of panel hearing.
- Actions taken by the school as a result of the complaint (regardless of whether the complaint was upheld).

All records are made available for inspection on the school premises by the Headteacher.

Where there are communication difficulties or disabilities, the school may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.

Recording devices will not be used without the prior consent of all parties.

Where the school allows complainants to record meetings, the following will be considered:

- How any decision to allow recordings may affect any third parties called to act as witnesses
- The impact and consequences on the individuals involved in the complaint if recordings are lost or leaked

The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made shall not be shared with the entire governing board. The exception to this is when a complaint is made against the whole governing board and they need to be aware of the allegations made against them, to respond to any independent investigation.

Complainants are likely to have a right to access copies of these records under data protection legislation.

The school will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

### **Anonymous complaints**

St Nichols C of E Primary School will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

### **Duplicate complaints**

There may be some cases where at the end of the complaints procedure St Nichols C of E Primary School receives a duplicate complaint on the same subject from a complainant's spouse, partner, grandparent or child.

The 'new' complaint will be assessed to establish whether there are new aspects to it that may not have been previously considered, or if there is any new information to consider. Any new elements of a complaint will be investigated and dealt with in line with the complaints procedure.

If St Nichols C of E Primary School are satisfied that there are no new aspects, the new complainant will be advised to contact the DfE if they are dissatisfied with the handling of the original complaint.

### **Unreasonable and / or persistent complaints**

Most complaints raised will be valid, and therefore St Nichols C of E Primary School will follow the procedure outlined to deal with them. However, a complaint may become unreasonable if the person:

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

**Steps** St Nichols C of E Primary School **will take:**

St Nichols C of E Primary School will take every reasonable step to address the complainant's concerns and give a clear statement of our position and their options. We will follow our complaints procedure wherever possible.

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

- ❖ Give the complainant a single point of contact via an email address;
- ❖ Limit the number of times the complainant can make contact, such as a fixed number per term;
- ❖ Ask the complainant to engage a third party on their behalf, such as Citizens Advice; or
- ❖ Put any other strategy in place as needed.

Complainants hold the right to refer their complaint to their local MP. This would not make the individual a 'serial' or 'persistent' complainant.

**Stopping responding**

St Nichols C of E Primary School may stop responding to the complainant when all these factors are met:

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

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

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

### **Complaint campaigns**

Occasionally, a school may become the focus of a complaint campaign and receive large volumes of complaints. For the purpose of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the school) which are all based on the same subject.

Depending on the subject in question, St Nichols C of E Primary School may deviate from the procedure set out in this policy and would follow DfE recommendations.

Where St Nichols C of E Primary School becomes the subject of a complaint campaign from complainants who are **not** connected with the school, a standard, single response will be published on the school's website.

If St Nichols C of E Primary School receives a large number of complaints about the same subject from complainants who **are** connected to the school, e.g. parents, each complainant will receive an individual response.

If complainants remain dissatisfied with the school's response, they will be directed to the DfE.

### **Barring from school premises**

School premises are private property and therefore any individual can be barred from entering the premises.

If an individual's behaviour is cause for concern, the Headteacher can ask the individual to leave the premises.

The Headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and the reasons why, subject to any representations that the individual may wish to make.

**Note:** The School's Legal representatives may contact parents on the school's behalf.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed by the chair of governors or a committee of governors, considering any discussions following the incident.

If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, they will also be informed of when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the headteacher or chair of governors.

Once the school's complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

### **Social Media**

For complaints to be resolved as quickly and fairly as possible, St Nichols C of E Primary School requests that complainants do not discuss complaints publicly via social media including, but not limited to, Facebook, WhatsApp and X (formerly known as Twitter). Complaints will be dealt with confidentially for those involved, and St Nichols C of E Primary School expect complainants to also observe confidentiality.

### **Safeguarding**

Wherever a complaint indicates that a child's wellbeing or safety is at risk, St Nichols C of E Primary School is under a duty to report this immediately to the Local Authority. Any action taken will be in accordance with the school's safeguarding policy which can be found on the school's website.

### **Parental responsibility**

Conflict between estranged parents over the application of parental responsibility is a common cause of complaints made to schools.

[Understanding and dealing with issues relating to parental responsibility](#) contains specific advice about how to approach issues concerning parental responsibility. St Nichols C of E Primary School will adhere to this advice as well as following this policy.

### **Complaints that Result in Staff Capability or Disciplinary**

If at any formal stage of a complaint it is determined that staff disciplinary or capability proceedings are necessary, the details of any action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is not entitled to participate in the process or receive any detail about the proceedings.

### **Complaints about the Governors**

For Complaints against any member of the Governing Board Stage 3 should be followed.

### **Time Scales**

For St Nichols C of E Primary School to be able to investigate a complaint, the initial concern needs to be raised within 3 months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. If a concern / complaint relates to an incident older than this it will not be investigated or discussed further, other than in exceptional circumstances which would be entirely at the discretion of the Headteacher.

What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The

Headteacher will review the situation and decide whether to enact the complaints procedure, informing the chair of governors of the decision.

### **Complaints about our fulfilment of the Early Years requirements**

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements and notify the complainants of the outcome within 28 days of receiving the complaint. St Nichols C of E Primary School will keep a record of the complaint and make this available to Ofsted on request.

Parents / carers can notify Ofsted if they believe that the school is not meeting the Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

### **Timeframe for Formal Complaints**

St Nichols C of E Primary School will endeavour to abide by the timeframes stated but acknowledges that in some circumstances, this is not always possible due to the complexity of information needed to review a complaint or difficulties regarding an individual's availability to deal with the complaint. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

All timescales refer to school working days, i.e. excluding weekends, school holidays etc.

### **Complaints Received Outside of Term Time**

St Nichols C of E Primary School consider complaints made outside of term time to have been received on the first school day after the holiday period.

### **Withdrawal of a Complaint**

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

### **Record keeping and Confidentiality**

St Nichols C of E Primary School will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and telephone calls.

The records will be treated as confidential and held securely (whether in hard copies or digitally on the school's ICT system) and will be viewed only by those investigating the complaint or on the CRC.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through data protection or other legislation, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board, in case a Complaint Appeal Panel needs to be convened at a later point.

### **Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintain schools on behalf of the Secretary of State.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

### **The Role of the Local Authority (LA)**

There is no further right of appeal to the Local Authority.

In responding to complaints about schools the LA will explain to the complainant:

- that schools are self-managing and are responsible for administering procedures that deal with complaints made against them
- the appropriate procedures for their complaint and refer them to the Head teacher, Chair of Governors or Governance Professional as appropriate

### **The role of Arden Forest C of E Multi Academy Trust**

The MAT will investigate a complaint regarding one of its schools for one of two reasons:

- **A School within the MAT has not followed its own procedures when handling a complaint, OR the procedures do not comply with statutory requirements.**
  - The MAT cannot review or overturn a decision made by a School's Complaint Review Committee (CRC) but will investigate and will direct the School to either reconsider the complaint and/or review its procedures to ensure statutory compliance.
- **A School within the MAT has failed to meet the requirements of its funding agreement with The Secretary of State for Education.**
  - Where a School is not meeting its requirements, the MAT will work with the School to ensure future compliance.

The MAT will not conduct investigations more than one calendar month from the completion of the School's complaints procedure.

The MAT reserves the right not to investigate complaints considered to be vexatious or malicious or where the complaint is a duplication of a previous investigation.

### **Transferring data**

St Nichols C of E Primary School will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained in

circumstances in which the pupil (and therefore their educational record) transfers to a new school.

Information that St Nichols C of E Primary School retains relating to a complaint will be stored securely and in line with the school's Records Management Policy.

### **Availability and Publishing our policy**

A copy of this policy will be made available on request. It will also be published on the school website, as recommended by the DfE.

### **Reviewing and Monitoring Arrangements**

The Chair of Governors will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Board will track the number and nature of complaints, and review underlying issues as stated above.

The Governing Board will review any underlying issues raised by complaints with the Head teacher, where appropriate and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practices to help prevent similar events in the future.

The complaints procedure will be reviewed every 2 years, considering the latest guidance issued by the DfE.

Responsibility for reviewing and implementing the procedure belongs to the headteacher.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

### **Links with other policies**

Policies dealing with other forms of complaints include:

- ❖ Child protection and safeguarding policy and procedures
- ❖ Admissions policy
- ❖ Suspension and Exclusions policy
- ❖ Staff grievance procedures
- ❖ Staff disciplinary procedures
- ❖ SEN policy and information report
- ❖ Data Protection Policy
- ❖ Privacy notices

## Appendix 1 - Complaint Form

Please complete and return to Debbie Slack (Complaints Co-ordinator) 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><br><br><b>Postcode:</b><br><br><b>Day time telephone number:</b><br><br><b>Evening telephone number:</b> |
| <b>Please give details of your complaint</b>   |
| <b>What action has been taken so far (including staff member who has dealt with it) or solutions offered:</b>            |
| <b>What actions do you feel might resolve the problem at this stage? What outcome are you expecting?</b>                 |

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

**Signature:**

**Date:**

*Official use*

*Date acknowledgement sent:*

*By who:*

*Complaint referred to:*

*Date:*

## Appendix 2 - Complaint Tracker

| Complaint / Subject | Date original complaint received | Stage 2 – Formal Stage – Headteacher                  | Stage 2* – Chair of Governors (Complaint about Headteacher)<br><br>Date request received: | Stage 3 – Investigation by Chair of Governors<br><br>Date request received: | Stage 3 – Complaint Appeal Panel<br><br>Date request received:                                   | Action to be taken:<br><br>Use this column with dates to put latest progress, e.g.: |
|---------------------|----------------------------------|---|---|---|--|---|
|                     |                                  | Who is dealing with?                                  | Who is completing investigation?  | Who is completing investigation?  | Date panel to meet by:   |   |
|                     |                                  | Date response to be sent by:                          | Date response to be sent by:  | Date response to be sent by:  | Date of Panel:   |   |
|                     |                                  | Outcome:<br><br>Upheld because:<br><br><br>Not Upheld | Outcome:<br><br>Upheld because:<br><br><br>Not Upheld                                     | Outcome:<br><br>Upheld because:<br><br><br>Not Upheld                       | Date papers to be received / sent:<br><br>Panel Chair:<br><br>Panel Member:<br><br>Panel Member: |   |
|                     |                                  | Embed letter / documents here                         | Embed letter / documents here   | Embed letter / documents here   | Panel Outcome:   |   |