



# St Michael's C E Primary

## Complaints Policy and Procedure

**"We are the seeds. Our school is the good ground which provides everyone with all they need to grow and achieve." (Our children)**

St Michael's is a Church of England Primary School built on distinctive Christian Values at the very heart of its community.

*We will provide:*

- a welcoming, inclusive school with strong relationships across our community, that celebrates diversity;
- excellent teaching with a nurturing approach, guiding first steps to next steps;
- an inspirational and challenging curriculum which ignites curiosity, encourages resilience and grows confidence so children become lifelong learners;
- a happy, safe and stimulating environment in which children can achieve their full potential;

So that our children will flourish in all they do and become good citizens

**"And some seed fell on good ground. This seed grew and made 100 times more grain." (Luke 8:8)**

## Table of Contents

|     |   |          |
|-----|---|----------|
| 1.  | <u>Statement of Intent</u>  | <u>2</u> |
| 2.  | <u>Legal framework</u>  | <u>3</u> |
| 3.  | <u>Complaints not covered by this procedure</u>                   | <u>3</u> |
| 4.  | <u>Definitions and scope</u>                                      | <u>3</u> |
| 5.  | <u>Making a complaint</u>   | <u>4</u> |
| 6.  | <u>Social Media</u>   | <u>4</u> |
| 7.  | <u>Complaints that result in staff capability or disciplinary</u> | <u>5</u> |
| 8.  | <u>Procedure</u>  | <u>5</u> |
| 9.  | <u>Informal Concern</u>   | <u>5</u> |
| 10. | <u>Stage 1 Complaint heard by Head Teacher</u>                    | <u>5</u> |
| 11. | <u>Stage 2 - Formal Investigation by Chair of Governors</u>       | <u>6</u> |
| 12. | <u>Stage 3 - Complaints Appeal Panel (CAP)</u>                    | <u>7</u> |
| 13. | <u>Final stage - Appeal</u>                                       | <u>8</u> |
| 14. | <u>Persistent complaints</u>                                      | <u>8</u> |
| 15. | <u>Monitoring arrangements</u>                                    | <u>9</u> |
| 16. | <u>Links with other policies</u>                                  | <u>9</u> |

### 1. Statement of Intent

At **St Michael's C of E Primary School**, we endeavour to provide the best education possible for all of our pupils in an open transparent and Christian environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. We know as parents / carers, you want the best for your child and so we firmly believe the sooner you tell us about your concerns, the better equipped we are to work together and the better it is for your child, the pupil in our care.

Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly - whilst respectful of confidentiality duties
- Promptly
- In a caring, non-adversarial and respectful manner

We aim to meet our statutory obligations when responding to complaints from parents of pupils at the school, and others. Complaints are not restricted to parents of attending pupils.

In order to do so, the governing board of St Michael's has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. Once a complaint

has been made, it can be resolved or withdrawn at any stage, however the school will aim to give the complainant the opportunity to complete the complaints procedure in full.

The Complaints Procedures and Policy has been created to deal with any complaint against a member of staff or the school, relating to any aspects of the school, the provision of facilities or services and outlines the procedure that the complainant and school must follow. **Should there be any associated police investigation or other simultaneous process e.g. HR, the complaint procedure will cease at that point and may commence, if appropriate, after these processes are complete.**

This policy outlines the procedure relating to handling such complaints. We aim to resolve all complaints at the earliest possible stage and are dedicated to continuing to provide the highest quality of education possible throughout the procedure. The Head Teacher will usually be the first point of contact when following the complaints procedure.

We will ensure that all aspects of the complaints procedure are:

- easily accessible and publicised (available on the school website);
- simple to understand and put into practice;

This will:

- facilitate a full and fair investigation;
- address all the points at issue and provide an effective and prompt response;
- keep complainants informed of the progress throughout the complaints process
- contribute to how the complaint may feed into school improvement evaluation processes.

## **2. Legal framework**

This policy has due regard to statutory legislation, including, but not limited to, the following:

- The Education Act 2002
  - The Freedom of Information Act 2000
  - The Immigration Act 2016
  - The Equality Act 2010
  - The General Data Protection Regulation (GDPR)
  - The Data Protection Act 2018
  - The Education (Pupil Information) (England) Regulations 2005
  - The School Information (England) (Amendment) Regulations 2016

This policy also has due regard to guidance including, but not limited to, the following:

- DfE 'Best Practice Advice for School Complaints Procedures 2016' 2016
- HM Government 'Code of practice on the English language requirement for public sector workers' 2016

### 3. Complaints not covered by this procedure

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters - wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority.
- Exclusion - <https://www.gov.uk/school-discipline-exclusions/exclusions>
- Whistle-blowing
- Staff grievances
- Staff discipline

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. All complaints concerning this should be directed to the service provider.

### 4. Definitions and scope

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 communication as far as possible.  
Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's class teacher, via the phone or in person.  
*(All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 2018. Such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint).*
- **A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.** Complaints can be resolved formally or informally dependent on the complainant's choice, but all concerns or complaints

will be taken seriously, whether informal or formal and the appropriate procedures will be undertaken.

## **5. Making a complaint**

- Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale.
- The school upholds a **three-month** time limit in which a complaint can be lodged regarding an incident.
- Complaints made outside this time limit will not be automatically refused and exceptions will be considered.
- We will endeavour to abide by timeframes stated under each stage, however in some circumstances, this may not be possible due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.
- Complaints should be made using the appropriate channels of communication, including the use of the [Complaints Procedure Form](#).
- All complaints shall be considered whether made in person, by telephone, in writing or electronically via email.
- Any complaint made against the Head Teacher shall be initially dealt with by the Chair of Governors.
- Any complaint made against the Chair of Governors or any other member of the governing board should be made in writing to the clerk to the governing board.

## **6. Social Media**

To ensure an impartial process and for complaints to be resolved as quickly and fairly as possible, we request the complainants do not discuss complaints publically via social media such as facebook and twitter. Complaints will be dealt with confidentially for and by those involved, and we expect complainants to observe confidentiality also.

## **7. Complaints that result in staff capability or disciplinary**

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, this will be dealt with using the school's internal procedures. The details of this action will remain confidential to the Head Teacher and/or the individual's line manager. The complainant is not entitled to participate in the proceedings or receive any detail about them.

## 8. Procedure

If you need to raise an issue please use the following procedure as detailed below. Where a concern / complaint is raised initially with a governor, they will only help you identify where to go next. They cannot act outside of the procedure as this may compromise their ability to be involved in formal stages including investigation and appeal.

|           |          | Stage of procedure   | Who  | Timescale                       |
|-----------|----------|--|--|---------------------------------|
| Concern   | Informal | If you continue to have concerns proceed to Stage 1.   | Class teacher or another member of staff (may be Head Teacher) | No more than a term             |
| Complaint | Formal   | <b>Stage 1</b> - if dissatisfied with outcome proceed to Stage 2   | Head Teacher /   | asap but within 20 working days |
|           | Formal   | <b>Stage 2</b> - if dissatisfied with outcome proceed to Stage 3   | Chair of Governors   | 30 working days                 |
|           | Formal   | <b>Stage 3</b> This is the final stage of the school's complaints procedure. Where dissatisfied contact Department for Education | Appeal to a panel of governors                                 | 30 working days                 |

## 9. Informal Concern

- May be raised in person, via a phone call or in writing with the member of staff.
- We will listen and try to address your concerns. You will be asked what you think will help. You may be asked to meet regularly for a short period to ensure you are satisfied with the outcomes.
- Notes may be kept at this stage.
- Where you feel concerns have not been addressed or are persisting over a period of time then you may wish to proceed to the next stage and make a formal complaint.
- You will be advised of support which may be available elsewhere e.g. Parent Support.

## **10. Stage 1 Complaint heard by Head Teacher**

- May be raised in person, via a phone call or in writing with the Head Teacher.
- The head teacher will arrange a meeting at the earliest opportunity.
- The complainant should explain
  - what has happened so far
  - who was involved
  - why they feel their concerns have not be addressed
  - what they would like to see happen to put things right.
- The complainant will be asked what might resolve the issue - *any acknowledgement the school could have handled the situation better is not an admission of unlawful or negligent action.*
- In terms of a complaint being made against a member of staff, the Head Teacher will discuss the issue with the staff member in question.
- The Head Teacher may need to seek further information or clarification from others but will agree a timescale for response - within 20 days.
- They will explain what action they intend to take and agree a follow up where appropriate.
- Records are kept at this stage. In order 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.
- If an appropriate resolution cannot be achieved the complainant may proceed to Stage 2.

## **11. Stage 2 - Formal Investigation by Chair of Governors**

- The complainant may submit a formal complaints form to the Chair of Governors. See the end of the procedure for the contact details and for a copy of this form. *Where there are communication difficulties, the complaint may be made in person or via telephone.*
- The Chair of Governors may coordinate the investigation or if they feel their impartiality is compromised in any way they may appoint another governor or staff member to fulfil this role.
- The Chair / Coordinator may appoint another governor / staff member as an investigating officer or where deemed appropriate appoint an independent person to carry out this role.

- The Coordinator will acknowledge receipt of the complaint, informing the complainant in writing that the investigation is underway and what action will be taken, giving clear timeframes.
- A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
- After considering the available evidence, the Char of Governors can:
  - Uphold the complaint and direct that certain action be taken to resolve it
  - Reject the complaint and provide the complainant with details of the stage three appeals process
  - Uphold the complaint in part. They may direct for certain action to be taken to resolve the aspects that they find in favour of the complainant.
- The Chair of Governors must inform the complainant of their decision in writing within 30 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must:
  - explain why they have come to the decision that they made
  - detail any agreed actions as a result of the complaint.
  - If the complainant is not satisfied with the manner in which 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 3) and must be provided with details of how to progress

## **12. Stage 3 - Complaints Appeal Panel (CAP)**

- Following receipt of a Stage 2 outcome, the complaint should be made in writing to the chair of governors within 10 school days. *Where there are communication difficulties, the complaint may be made in person or via telephone.*
- In order 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.
- Written acknowledgement of the complaint will be made within five school days. This will inform the complainant that a CAP will hear the complaint within 20 school days.
- The chair of governors, or another nominated governor, will convene a CAP comprising three members of the governing board with delegated powers. The Chair of the Committee will be appointed when they meet. Those members of the committee should not have been involved in the process prior to Stage 3. If the whole governing board is aware of the substance of a complaint before the CAP has been completed, an independent panel should be arranged to hear the complaint.
- If the complainant believes there is likely to be bias in the proceedings, they can request an independent panel. The school will consider the request but ultimately the decision is made by the governing board.
- Five days' notice will be given to all parties attending the CAP, including the complainant.
- Prior to the hearing, the chair of governors will have written to the complainant informing them of how the review will be conducted. The Head Teacher will also have a copy of this letter.



- The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.
- The following parties will be invited, where applicable:
  - the complainant
  - the person who dealt with the complaint at Stage 2
  - where the complaint refers to a member of staff, the staff member who is the subject of the complaint.
- At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.
- The meeting should allow for:
  - The complainant to be present and accompanied at the hearing if they wish.
  - The complainant to explain their complaint and the Head Teacher to explain the reasons for their decision.
  - The complainant to question the Head Teacher, and vice versa, about the complaint.
  - Any evidence, including witnesses who have been prior approved by the chair of the CAP, to be questioned.
  - Members of the CAP to question both the complainant and the Head Teacher.
  - Final statements to be made by both parties involved.
  - No legal representation is allowed at this stage.
- The complainant will receive a written response explaining the panel's findings and recommendations within 15 school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed
- Where relevant, the person complained about will receive a summary of the panel's findings and recommendations.

The panel can make the following decisions:

- 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.

### **13. Final stage - Appeal**

**Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full.**

If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to the governors - see contact details.

If the complainant feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>

The School Complaints Unit 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.

Ofsted will also consider complaints about schools - <https://contact.ofsted.gov.uk/online-complaints>

## **14. Persistent complaints**

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive. The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint. Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

## **15. Monitoring arrangements**

The governing board of St Michael's C of E Primary 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.

The complaints records are logged and managed by the Head Teacher.

This policy will be reviewed by full governing board every two years.

At each review, the policy will be approved by the full governing board.

## **16. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices
- GDPR

This policy has been approved by the Governing Body and Head teacher of St. Michael's C of E Primary School.

Chair of Governors ....

Signed: ... .. 

Print Name: ... ..Katja Purvis.....

Date:... 20.03.23... ..

Head Teacher

Signed: .....  .....

Print name:.....GAVIN JOHNSTON.....

Date: .....20.03.23.....

REVIEW DATE ... March 24... ..

### ST MICHAEL'S C OF E PRIMARY Formal Complaints Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the **Head Teacher**. (If your complaint is against the Head Teacher, you will need to send the form to the **chair of the governing board**.)

|  |  |
|--|--|
| Name   |  |
| Name of pupil, year group and date of birth  |  |
| Your relationship to them (where applicable)   |  |
| Contact address  |  |
| Contact telephone day  |  |
| Contact telephone mobile   |  |
| Contact email address  |  |
| Details of the complaint   |  |
|  |  |
| Action taken so far (including staff member who has dealt with it so far) or solutions offered |  |
|  |  |
| The reason that this was not a satisfactory resolution for you                                 |  |
|  |  |
| What action would you like to be taken to resolve the problem?                                 |  |
|  |  |

|         |  |
|---------|--|
| Signed: |  |
| Dated:  |  |