

St Joseph's Catholic Primary School, Malmesbury

Complaints Policy and Procedure



“Walking in the footsteps of Jesus, loving and serving together”

Introduction

At St Joseph's Catholic Primary School we recognise complaints and concerns should be dealt with promptly and resolved informally if possible before triggering a formal complaint. This policy and procedure outlines how complaints or concerns should be raised and sets standards for all those involved in the process.

All parties must treat each other with dignity and respect. Vexatious or repeated complaints will not be tolerated and may lead to action against the complainant. If a complainant refuses to engage with the complaints process when requested by the school, that complaint will not be considered.

This policy and procedure exists to remove the tensions around raising a complaint and to provide a clear framework to support resolving the complaint. Adhering to clear processes allows for clear and considered conclusions. We undertake to be fair, open and honest and expect the same from complainants. We also give regard to our whole school community, as well as the individual, and expect the same from complainants.

Complaints are confidential matters and should not be discussed with third parties or aired in public. The school reserves the right to dismiss complaints where confidentiality is not observed.

The complaints process is not limited to parents or carers of children registered at the school. Anyone, including members of the public, may make a complaint about any provision of facilities or services we provide. Unless complaints are dealt with under separate statutory procedures, such as appeals relating to exclusions or admissions, we will use the complaints procedure outlined below. We *may* also use this procedure if a complaint is made against an individual for failing to act in a manner consistent with the Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

A distinction needs to be recognised 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’.

Complainants are reminded that the process is not adversarial and complaints panels are not courts of law but a forum to resolve differences and rebuild relationships in a calm and confidential environment.

The following procedure explains how we can work together to resolve a concern or complaint.

Complaints Procedure

Resolving a concern

Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. St Joseph’s Catholic Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

A concern can be made in person, in writing or by telephone. They may be raised by a third party acting as long as they have appropriate consent to do so. Concerns should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint. Concerns should not be raised with individual governors. They have no power to act on an individual basis and it may also prevent them from considering the concern if it becomes a complaint later on.

If an individual has difficulty discussing a concern with a particular member of staff, we will respect their views. In these cases, the headteacher, will refer them to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher 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 there are occasions when people would like to raise their concerns formally. In this case we will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to make a complaint

A complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so. All complainants will be requested to use the complaints form as it provides clarity which will help while managing the complaint (Appendix 1).

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office and marked Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to the chair of governors, via the school office and marked Private and Confidential.

Complaints about the chair of governors, any individual governor or the whole governing body should be addressed to the clerk to the governing body via the school office and marked Private and Confidential.

The complaints form is included at the end of this procedure. If help is required in completing the form, please contact the school office or ask third party organisations like the Citizens Advice to help you. In accordance with equality law, we will consider making reasonable adjustments, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

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.

Time scales

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.

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.

Scope of this complaints procedure

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

Exceptions	Who to contact
- Admissions to schools - Statutory assessments of Special Educational Needs - School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Wiltshire Council.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer for allegations (DOFA) who has local responsibility for safeguarding (01225 7139454) or the Multi-Agency Safeguarding Hub (MASH) (0300 4560108).
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for <u>education</u> matters relating to <u>education for</u> whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be

	made at: www.education.gov.uk/contactus . Volunteer staff 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.
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if it is considered appropriate to instigate those procedures following an investigation of the complaint. 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.
• 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.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

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 Joseph's Catholic Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving complaints

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

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

Withdrawal of a Complaint

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

Stage 1

~~Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone. The individual handling the complaint, headteacher, chair of governors or clerk to the governors, will record the date the complaint is received and will~~

acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

Within this response, the headteacher, chair of governors or clerk to the governors, will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. It will be considered whether a face-to-face meeting is the most appropriate way of doing this.

An investigator will be appointed. In the case of a complaint about a member of staff then the headteacher or a member of the senior leadership team will act as investigator; if the complaint is about the headteacher then a governor will act as investigator; if the complaint is about the chair of governors then another governor may act as investigator; if the complaint is about some or all of the board of governors then an independent governor will act as investigator. In some circumstances it will be necessary to engage an independent governor or investigator from the outset if all potential governor investigators are tainted by association or too much knowledge of an event.

If the headteacher delegates the investigation to another member of the school's senior leadership team the headteacher will take responsibility for any decisions taken.

During the investigation, the investigator will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the investigator will provide a formal written response within 10 school days of the date of acknowledgement of the complaint. If the investigator is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions St Joseph's Catholic Primary School will take to resolve the complaint. The investigator will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the headteacher, the chair of governors will complete all the actions as Stage 1.

If the complaint is about a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

If the complaint is:

- jointly about the chair and vce chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body, who is likely to be an individual drawn from a school with similar characteristics to our own. At the conclusion of their investigation, the independent investigator will provide a formal written response.

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Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints [panel](#), which will be formed from the first three, impartial, governors available. This is the final stage of the complaints procedure:

- Within five school days of receipt of a Stage 1 response, a request to escalate to Stage 2 must be made to the [clerk to the governors](#), via the school office.
- The clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within five school days.
- Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- The clerk will write to the complainant to inform them of the date of the [complaint meeting with the governor complaints panel](#). They will aim to convene a meeting within 10 school days of receipt of the Stage 2 request. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed.
- If the complainant rejects the offer of three proposed dates, without good reason, the [clerk](#) will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints [panel](#) will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the chair of the complaints [panel](#). If there are fewer than three governors from St Joseph's Catholic Primary School available, the clerk will source any additional, independent governors through another local school or through the Clifton Diocese or the LA's governor services team, in order to make up the [panel](#).

Alternatively, an entirely independent [panel](#) may be convened to hear the complaint at Stage 2, which should include at least one member who is a Catholic Foundation Governor at a school with similar characteristics to [St Joseph's](#).

The [panel](#) will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the [panel](#) meeting. However, there may be occasions when legal representation is appropriate. For instance, 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.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least [seven](#) school days before the meeting, the [clerk](#) will:

- confirm and notify the complainant of 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
- request copies of any further written material to be submitted to the [panel](#) at least [five](#) school days before the meeting.

Any written material will be circulated to all parties at least five school days before the date of the meeting.

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

The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not permitted unless a complainant's own disability or special needs require it or if it is agreed that it would assist the note-taker.

Prior knowledge and consent of all parties attending must be sought before meetings or conversations are recorded. Consent will be recorded in any minutes taken and recordings destroyed at the earliest opportunity after the hearing.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The chair of the panel will provide the complainant and school with a full explanation of their decision and the reason(s) for it, in writing, within five school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the school.

If the complaint is:

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

Stage 2 will be heard by a panel of independent governors, which should include at least one member who is a Catholic Foundation Governor at a school with similar characteristics to St Joseph's, and may also include a former or serving headteacher or other school leader depending on the nature of the complaint.

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 the school will take to resolve the complaint.

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

Next Steps

If the complainant believes the school did not handle the complaint in accordance with the published complaints procedure or 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 the school. They will consider whether St Joseph's Catholic Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: 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.

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Duplicate complaints

If after closing a complaint at the end of the complaints procedure, a duplicate complaint is received the complainant will be informed

Complaint campaigns

If the school receives a large volumes of complaints:

- all based on the same subject
- or from complainants unconnected with the school

The school will consider sending a template response to all complainants.

Managing serial and unreasonable complaints policy

St Joseph's Catholic Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff or governors to tolerate unacceptable behaviour and will take action to protect staff and governors from that behaviour, including that which is abusive, offensive or threatening.

St Joseph's Catholic Primary School has a '**Managing serial and unreasonable complaints policy**' and this will be applied where required. This can be found in Appendix 2.

Roles and Responsibilities

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible;
- co-operate with the school in seeking a solution to the complaint;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- 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.

Investigator

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint

through:

- o sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- o interviewing staff and children/young people and other people relevant to the complaint
- o consideration of records and other relevant information
- o analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints co-ordinator (this could be the headteacher, clerk, designated governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure;
- liaise with staff members, headteacher, chair of governors, clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure;
- be aware of issues regarding:
 - o sharing third party information
 - o additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person;
- keep records.

Clerk to the governing body

The clerk is the contact point for the complainant and the panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible;
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- record the proceedings;
- circulate the minutes of the meeting;
- notify all parties of the panel's decision.

Panel Chair

The panel chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting;
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy;
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person;
- the remit of the panel is explained to the complainant;
- 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 GDPR;
- If a new issue or evidence arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting;
- both the complainant and the school are given an equal opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- the issues are addressed;
- key findings of fact are made;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- the meeting is minuted;
- they liaise with the clerk (or complaints co-ordinator).

Panel Member

Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it;
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant;
- we recognise 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;
- many complainants will feel nervous and inhibited in a formal setting;
- parents/carers often feel emotional when discussing an issue that affects their child.

Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting.

- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated;
- the panel should respect the views of the child/young person and give them equal consideration to those of adults;
- if the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint;
- where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests;
- the welfare of the child/young person is paramount.

Arrangements for monitoring, evaluation and review

Responsible panel for monitoring & evaluation:	Full Governing Body
Policy reviewed by:	Full Governing Body

<u>Policy review & approval date:</u>	<u>Sept 2023</u>
<u>Next review date:</u>	<u>Sept 2024</u>

Appendix 1

St Joseph's Catholic Primary School Complaint Form

Please complete and return to the Headteacher, Chair of Governors, or the Clerk, (who will acknowledge receipt and explain what action will be taken).

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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

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

Managing serial and unreasonable complaints

St Joseph's Catholic Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff or governors to tolerate unacceptable behaviour and will take action to protect them from that behaviour, including that which is abusive, offensive or threatening.

St Joseph's Catholic Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process;
- refuses to accept certain issues are not within the scope of the complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice;
- introduces trivial or irrelevant information which they expect to be taken into account and commented on;
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
- uses language in communications which the recipient might reasonably interpret as intimidating;
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information;
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school regarding their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking. If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact St Joseph's Catholic Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

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