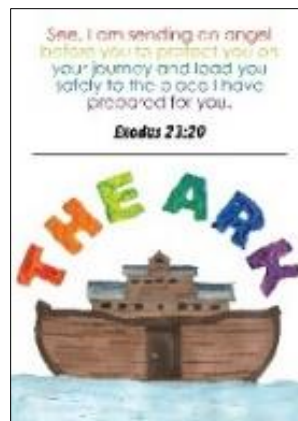


# St Michael's CE (A)



# Primary School

## Complaints Policy

***The Lord says, 'For I know the plans I have for you .... plans to give you hope and a future.' Jeremiah 29 verse 11***

**Policy Adopted:** Wednesday 4<sup>th</sup> December 2024

**Policy Review:** December 2025

**Signed:** *Paz Johal* (Chair of Staffing and Finance Committee)

## **COMPLAINTS POLICY AND PROCEDURE**

### **1. Introduction**

The Governing Body of St Michael's CE (A) Primary School adopted the complaints procedure on 6<sup>th</sup> December 2023. The aim is to resolve a complaint or issue of concern as informally as possible and so resort to formal procedures only as a last resort. Each stage of the procedure might require more than one meeting to resolve the issue only proceeding to the next stage when one or other (or both) sides cannot reach agreement.

This policy is in accordance with Section 29 of the Education Act 2002 and should be used in conjunction with the DFE Best Practice Advice for School Complaints Procedures 2016

The majority of issues raised by parents, the community or pupils, are concerns rather than complaints. St Michael's CE (A) Primary School is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, you may wish or be asked to follow the school's formal complaints procedure. For the school to be able to investigate a concern or a complaint, it needs to be made as soon as possible after an incident arises and this period should not exceed three months. Any incident older than 3 months will not be investigated unless the school considers it to be an exceptional case. The prime aim of St Michael's CE (A) Primary School's policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner.

### **2. The difference between a concern and a complaint**

- A 'concern' may be defined as an 'expression of worry or doubt over an issue considered to be important for which reassurances are sought'.
- A 'complaint' may be generally defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

#### **2.1 Dealing with concerns**

It is natural that parents may, occasionally, be concerned about an aspect of their child's education or welfare at school. This could include concerns about the school's approach to aspects of the curriculum, homework, behaviour or any other issue.

The school welcomes enquiries from parents about any matter. Teachers and staff will explain the school practices, policies, and how they affect the pupils. The vast majority of concerns will be handled by the class teacher as this is more helpful. If in doubt, keep asking until you are completely satisfied as all staff are eager to help.

The usual format is to speak to the child's class teacher in the first instance, or to contact the school office to arrange an appointment to discuss your concern with whoever you wish. At all times the staff will help to resolve a problem.

### **3. The following information outlines the stages that can be used to resolve complaints:**

St Michael's CE (A) Primary School Complaints Policy has three main stages.

In summary they are as follows: -

- Stage 1 – A concern is raised informally with a staff member.
- Stage 2 – Formal complaint heard by the headteacher
- Stage 3 – Complaint is heard by Governing Body's Complaints Appeal Panel.

N.B. In cases where the matter concerns the conduct of the headteacher, a letter of complaint should be addressed to the Chair of Governors who will inform the Headteacher. The Chair will arrange for the matter to be investigated. In cases where the matter concerns the conduct of The Chair of Governors or a member of the Governing Board, the letter of complaint should be made in writing to the Clerk of the Governing Board. This letter will be passed on by the school administrator, Mrs Hallam. The Governors appeal hearing is the last school-based stage of the complaints process.

#### **3.1 Stage 1 – Raising a concern**

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with the class teacher. On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two. The majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at Stage 1, please write to or call the school within 10 school-working days and state what you would like the school to do. The school will then look at your complaint at the next stage.

#### **3.2 Stage 2 – Complaint heard by the Headteacher**

Formal complaints shall be put in writing and addressed to the Headteacher of the school. (See Appendix 1) The complaint will be logged, including the date it was received. The school will normally acknowledge receipt of the complaint within 2 school working days of receiving it. In many cases this response will also report on the action the school has taken to resolve the issue. Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place within 10 school working days. The aim will be to resolve the matter as speedily as possible. However, if you are not satisfied with the result at Stage 2, please write to or call the school within 10 school working days of getting our response. You will need to tell the school why you are still not satisfied and what you would like the school to do.

#### **3.3 Stage 3 – Complaint heard by the Governing Board Appeal Panel**

If the matter has still not been resolved at Stage 2, then you should write to the Chair of Governors giving details of the complaint. The Chair, or a nominated Governor, will convene a complaints panel. The aim of the Appeal Panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. All parties will be notified of the Panel's decision in writing within three school-working days after the date of the hearing. The letter will also contain what you need to do if you wish to take the matter further.

#### **3.4 Remit of the Complaints Appeal Panel**

The panel can:

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

**3.5** It is important that the appeal hearing is independent and impartial and that it is 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 hearing, which will be held in private, will be to resolve the complaint, where appropriate, and achieve reconciliation between school and the complainant. However, it is recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour.

The panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. The panel chair will ensure that the proceedings are as welcoming as possible. Care will be taken to ensure that the layout of the room is informal and not adversarial in tone.

**3.6** Governors sitting on the panel will have been informed about the school's complaints procedure and any further advice will have been sought from the Diocese or LA.

### **Roles and responsibilities**

The school will ensure the panel meeting will be clerked. The role of the clerk will be to:

- set the date (within 20 working days), time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible; collate all written material and send it to the parties 10 working days in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all the parties of the panel's decision.

The role of the chair of the governing body will be to ensure that:

- The correct procedure has been followed;
- If a hearing is appropriate, notify the clerk to arrange the panel;
- The relevant HR provider has been informed if a staffing issue has been identified.

The role of the chair of the panel will be to ensure:

- the remit of the panel is explained to the parties and each party has the opportunity to put their case without undue interruption;
- the issues are addressed;
- parents and others who may not be used to speaking at such a hearing are put at their ease; and, are encouraged to bring someone as support;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;

- each side is given the opportunity to state their case and ask questions;
- written material has been supplied by all parties;
- if a related issue arises at the hearing it would be useful to give all parties the opportunity to adjourn to consider the related issue and then comment on it;
- new issues raised in the hearing should be dealt with separately from this panel meeting;

### **Checklist for panel hearing**

The panel will take account of the following points:

- the hearing is as informal as possible;
- witnesses are only required to attend for the part of the hearing in which they give their evidence;
- after introductions, the complainant is invited to explain their complaint;
- the Headteacher, or other presenter nominated by the Chair, may question both the complainant and the witnesses after each has spoken;
- the Headteacher, or other presenter nominated by the chair, is then invited to explain the school's actions and be followed by the school's witnesses;
- the complainant may question both the Headteacher, or other presenter nominated by the chair, and the witnesses after each has spoken;
- the panel may ask questions at any point;
- the complainant is then invited to sum up their complaint;
- the Headteacher is invited to sum up the school's actions and response to the complaint; both parties leave together while the panel decides on the issues;
- the chair explains that both parties will hear from the panel within 5 working days.

### **Notification of the panel's decision**

The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with reasons clearly defined in plain English, within 5 working days of the meeting.

If any clarification concerning the letter is required, the complainant may seek further advice from the chair of the panel.

In case the complainant is not satisfied that the complaints procedures were conducted properly and fairly they should contact the DfE or Ofsted for further advice.

## **4. Decision**

The decision of the Appeal Panel is final. If a complainant tries to re-open the same issue, which has already been heard at an appeal meeting, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

\*Where the complaint is against the Chair of Governors then the Vice Chair of Governors will take on the role of 'complaints' co-ordinator'.

## **5. Unreasonable Complainants**

St Michael's CE (A) Primary School is committed to dealing with all complaints fairly and impartially,

and providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The school defines unreasonable complainants as 'those who, because of the frequency or nature of their contact with the school, hinder our consideration of their or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

- 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 while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically: -

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a 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.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

For complainants who excessively contact causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from St Michael's CE (A) Primary School.

## **6. Barring from the School**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar will then be reviewed, taking into account any representations made by the parent and either confirmed or lifted. If the decision is confirmed, the parent will be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Parents should be reminded that the Ofsted 'Parent View' is not a channel to register a complaint.

**Annexe A- School Complaint Form (for stage 2 & 3 complaints)**

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 Headteacher. {If your complaint is against the Headteacher you will need to send the form to the Chair of Governors, please hand your complaint into the school office}

<b>Your Name</b>		<b>Address</b>	
<b>Contact Tel No</b>		<b>Mobile No</b>	
<b>Name of Child</b>		<b>Child's dob</b>	

What is your complaint and what would you like the school to do?

*Continue on a separate sheet as necessary*

When did you discuss your concern/complaint with the appropriate member of staff?

*Continue on a separate sheet as necessary*

What was the result of the discussion?

*Continue on a separate sheet as necessary*

Signed: \_\_\_\_\_ Date:.....