



Adopted by the Governing Body of The Federation of St James the Great and St John's Catholic Primary School (together, the "**Schools**" and each a "**School**") on 18th November 2020.

SCHOOL COMPLAINTS POLICY

1. INTRODUCTION

1.1 The difference between a concern and a complaint

1.1.1 **A concern** may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

1.1.2 **A complaint** may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

1.2 How to raise a concern

1.2.1 Each School welcomes feedback about the education it provides to its children. This feedback may include concerns. We take your concerns very seriously and we will seek to resolve any concerns brought to our attention. It is in everyone's interests that concerns are resolved at the earliest possible stage and it is our hope that most issues can be resolved informally.

1.2.2 Parents/carers are therefore encouraged to raise any concerns they have directly with their child's teacher or an appropriate member of staff. If they remain unhappy they should make an appointment to speak to the Executive Headteacher. Most concerns can be addressed and resolved in this way. Occasionally a resolution is not reached or the matter is too serious to resolve in this way and this document outlines the formal procedure which should be followed.

1.2.3 If anyone does not wish to discuss a concern with a particular member of staff, the Executive Headteacher or Head of School will refer them to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, parents/carers will be referred 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.

1.3 Who can make a complaint?

1.3.1 Anyone, including members of the public, may make a complaint to a School about any service provided directly by that School. Unless the matter is dealt with under a separate statutory procedure, we will use the procedure set out in this Complaints Policy to deal with the complaint.

1.3.2 Please see **Appendix 3** (*Matters that are not covered by this Policy*) on page 11 to ensure that this is the correct policy for the matter in question.



1.4 **General information about the complaints procedure**

- 1.4.1 The aim of the procedure, at each stage, is to bring about a resolution and/or reconciliation, as informally and quickly as may be reasonably possible. It is intended to be investigatory, not adversarial, and to allow for an impartial and fair investigation to be undertaken.
- 1.4.2 Those responsible for investigating and responding to a complaint will aim to address the concerns raised, provide an effective response and consider any redress that might be necessary.

Please see **Appendix 4** (*Additional considerations*) on page 12 for more information.

1.5 **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will decide whether the complaint merits an investigation.

1.6 **Deadlines**

- 1.6.1 You must raise a complaint within three months of the incident or, where a series of associated incidents occurred, within three months of the last incident. Complaints made outside of this timeframe will only be considered in exceptional circumstances.
- 1.6.2 Complaints about a former member of staff will not normally be considered if it is more than three months since they stopped working at the relevant School, unless there are exceptional circumstances.
- 1.6.3 Complaints made during school holidays will be considered as having been received on the first school day after the holiday.

2. **HOW TO MAKE A FORMAL COMPLAINT: STAGE 1**

2.1 **What to do:**

- 2.1.1 If you are not satisfied with the outcome of your informal discussion you may put your complaint in writing on the template form provided in **Appendix 1** (*Stage 1 Complaint Form*) on page 8 of this Policy.
- 2.1.2 Mark the envelope or e-mail subject with "private and confidential".
- 2.1.3 Deliver your complaint form to the relevant School office by hand, by e-mail to maureen.boyle@southwark.gov.uk, or send it in the post. **Please make every effort to deliver your complaint by e-mail or post during the Covid-19 pandemic.**
- 2.1.4 If you are unable put your complaint in writing, please make your complaint orally to the relevant School office, and a written record will be made of your complaint which includes the details set out in the form.



- 2.1.5 You may ask the relevant School or an outside agency (e.g. Citizens Advice) to assist you with completing the form.

2.2 Who deals with the complaint (the "Investigator"):

- 2.2.1 If the complaint relates to a member of staff at a School, including the Head of School, the Investigator will be the Executive Headteacher. The complaint should be delivered/sent to the school office addressed to the Executive Headteacher.

- 2.2.2 If the complaint relates to:

- (a) *the Executive Headteacher*: the Investigator will be the Chair of Governors or a suitably skilled governor nominated by the rest of the Governing Body;
- (b) *a member of the Governing Body (including the Chair)*: the Investigator will be a suitably skilled governor nominated by the rest of the Governing Body;
- (c) *the Chair and Vice Chair(s) jointly, the entire Governing Body or the majority of the Governing Body*: the Investigator will be an independent investigator appointed by (i) the Governing Body (advice may be sought from the LA) or (ii) the appropriate Diocese.

In each case the complaint should be posted to the relevant School office or sent by e-mail and addressed to the Clerk to the Governing Body.

- 2.2.3 Please note you should not approach individual governors to raise complaints. They have no power to act on an individual basis and it may prevent them from considering the complaint at stage 2 of the process.

2.3 What happens next?

- 2.3.1 Receipt of the complaint will be recorded and acknowledged in writing to you within 5 school days. The Investigator will begin to investigate the complaint.

- 2.3.2 During the investigation, the Investigator will:

- (a) seek to clarify the nature of the complaint, ask what remains unresolved, and what outcome you would like to see;
- (b) consider whether a face to face meeting is the most appropriate way of progressing and/or resolving the complaint;
- (c) if necessary, interview those involved in the matter and/or the subjects of the complaint, allowing them to be accompanied to any meeting if they wish; and
- (d) keep a written record of any meetings/interviews in relation to their investigation.



- 2.3.3 At the conclusion of their investigation, the Investigator will aim to provide you with a formal written response within 20 school days of the date of receipt of the complaint. If they are unable to meet this deadline, they will provide you an updated estimated response date.
- 2.3.4 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 relevant School(s) will take to resolve the complaint.
- 2.3.5 If you are not satisfied with the outcome of Stage 1, you may escalate the complaint to Stage 2 (set out below).

3. HOW TO MAKE A FORMAL COMPLAINT: STAGE 2

3.1 What to do:

- 3.1.1 You should make your complaint in writing on the template form set out in **Appendix 2 (Stage 2 Complaint Form)** on page 10 of this Policy (a "**Stage 2 Complaint**").
- 3.1.2 Mark the envelope or e-mail subject with "private and confidential" and address the envelope or e-mail to the Clerk to the Governing Body.
- 3.1.3 Deliver your complaint to the relevant School office by hand, by e-mail to maureen.boyle@southwark.gov.uk, or send it in the post. **Please make every effort to deliver your complaint by e-mail or post during the Covid-19 pandemic.**
- 3.1.4 If you are unable to complete the form and your request is made orally, a written record will be made by the relevant School which includes the details set out in the template form set out in Appendix 2 (*Stage 2 Complaint Form*) on page 10 of this Policy.
- 3.1.5 You may ask the relevant School or an outside agency (e.g. Citizens Advice) to assist you with completing the form.
- 3.1.6 The completed Stage 2 Complaint Form should be delivered to the School within 15 school days of receipt of the Investigator's decision in Stage 1. **Complaints outside of this time frame will only be considered in exceptional circumstances.**

3.2 What happens next?

- 3.2.1 Receipt of the Stage 2 Complaint will be recorded and acknowledged in writing to you within 5 school days.
- 3.2.2 The Clerk will promptly arrange for three governors to form a committee (the "**Committee**") to consider the Stage 2 Complaint.
- 3.2.3 The Committee will be formed of the first three impartial governors available. (i.e. governors with no prior knowledge of the complaint, no



involvement in the complaint, and no other conflict of interest). Governors who work in the relevant School will not be used.

- 3.2.4 If there are fewer than three governors available, the Clerk will source additional independent governors from the LA. Alternatively, an entirely independent committee may be convened by the LA (at the request of the Governing Body) to hear the complaint at the election of the Governing Body.
- 3.2.5 The Committee will write to you to confirm whether the Stage 2 Complaint will be considered:
- (a) at a meeting; or
 - (b) solely on the basis of written evidence/submissions from the parties.
- 3.2.6 The Committee will invite you to submit any relevant written evidence/submissions whether or not a meeting will be held. You are not obliged to make further written submissions in addition to the Stage 2 Complaint Form (and you should not repeat information which is already included either the Stage 1 Complaint Form or the Stage 2 Complaint Form) but please include any additional information which you consider to be relevant.
- 3.2.7 If the Stage 2 Complaint will be considered at a meeting you have the right to bring any relevant witnesses to that meeting. You may also be accompanied to a meeting by one friend/ supporter (who will not be invited to speak at the meeting).
- 3.2.8 The Clerk will seek to find a date which is convenient:
- (a) for all parties, including you, to attend a meeting if the Committee deems a meeting necessary or desirable to resolve the Stage 2 Complaint; or
 - (b) for the Committee to consider any written evidence/submissions of the parties in respect of the Stage 2 Complaint (if a meeting is not deemed necessary by the Committee to resolve the Stage 2 Complaint),
- in either case, within 20 school days of receipt of the Stage 2 Complaint.
- 3.2.9 When the date is agreed the Clerk will confirm the date with all parties.
- 3.2.10 If you reject the offer of three proposed dates for a meeting (without good reason), consideration of the complaint will automatically proceed on the basis of any written evidence/ submissions received from the parties, on the date elected by the Committee (having regard to the aim to resolve the Stage 2 Complaint as soon as reasonably possible).



- 3.2.11 You will receive written confirmation of the outcome of a meeting which you attend, or meeting of the Committee (as applicable), within 10 school days of such meeting taking place.

3.3 **Conduct of the meeting**

- 3.3.1 Please see **Appendix 5** (*Conduct of a meeting*) on page 13 of this Policy for details of the conduct of a meeting.
- 3.3.2 Please see **Appendix 6** (*Roles and responsibilities*) on page 15 of this Policy for roles and responsibilities of parties in a meeting.

4. **POTENTIAL OUTCOMES OF A CONCERN OR COMPLAINT**

4.1 **Potential outcomes of a concern or a Stage 1 Complaint**

These include:

- 4.1.1 an acknowledgement that the complaint is valid in whole or in part;
- 4.1.2 an explanation;
- 4.1.3 an admission that something could have been handled differently or better;
- 4.1.4 an explanation of the steps taken as a result, to ensure that the situation does not recur;
- 4.1.5 confirmation that a policy or similar will be reviewed in the light of the concern or complaint; and/or
- 4.1.6 an apology.

4.2 **Potential outcomes of a Stage 2 Complaint**

The Committee may (in addition to any or all the outcomes listed above at Stage 1):

- 4.2.1 dismiss the complaint in whole or in part;
- 4.2.2 uphold the complaint in whole or in part;
- 4.2.3 decide on appropriate action to resolve the complaint; and/or
- 4.2.4 recommend changes to the relevant School's systems or procedures to ensure that problems of a similar nature do not recur.

There is no further appeal to the school or Governing Body following Stage 2 of this Policy.



4.3 **What if you are dissatisfied with the outcome of a Stage 2 Complaint?**

- 4.3.1 If you believe the school did not handle your complaint in accordance with this Complaints Policy, or acted unlawfully or unreasonably in the exercise of its duties under education law, you can contact the Department for Education after you have completed Stage 2 of this Policy.
- 4.3.2 The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the School(s). They will consider whether the School has adhered to education legislation and any statutory policies connected with the complaint.
- 4.3.3 You can refer the complaint to the Department for Education:
- (a) online at: www.education.gov.uk/contactus;
 - (b) by telephone on 0370 000 2288; or
 - (c) in writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

4.4 **Serial and persistent complainants**

Each School is committed to working with parents and to addressing genuine complaints which are raised. However, if the process has been followed and a complainant continues to pursue the same issue or behaves in an aggressive or insulting manner their conduct may be considered unreasonable and the School will follow its "Unreasonable Complainants" procedures.



APPENDIX 1

Stage 1 Complaint Form

<u>Name:</u>	
Address (including postcode)	
Daytime/mobile phone no:	Email:
School's name:	
Name of individual/s you wish to complain about:	
Please give details of your complaint: On what date did the incident happen? Who was there? Please provide a short summary of what happened:	



Did you speak to a member of staff about the incident, and if so who?

Did any further related incidents occur? (*provide details below*)

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

Are you attaching any documents? If so please give details.

Please continue on a separate sheet if necessary. Any supporting documents should be submitted with this form.



APPENDIX 2

Stage 2 Complaint Form

Please summarise the reason(s) for your dissatisfaction with the outcome at Stage 1:

Please state what outcome(s) would resolve the complaint:

Please provide the names of any witnesses you wish to call:

Please continue on a separate sheet if necessary. Any supporting documents should be submitted with this form.



APPENDIX 3

Matters that are not covered by this Policy

The following concerns and complaints cannot be considered under the Complaints Policy. There are separate policies and procedures that deal with them.

- 1 Admissions to schools – there is a separate appeal process to the Admissions Authority
- 2 Child Protection – Complaints about child protection matters are handled under our child protection and safeguarding policies and in accordance with statutory guidance. If you have serious concerns you may wish to contact the local authority designated officer (LADO) or Multi-Agency Safeguarding Hub (MASH)
- 3 Spurious, serial or persistent complaints – see separate policy
- 4 Statutory assessment of special educational need – refer to Southwark SEND
- 5 National Curriculum Content – please contact the DfE at www.education.gov.uk/contactus
- 6 Pupil exclusion from school – please refer to www.gov.uk/school-discipline-exclusions/exclusions
- 7 School reorganisation proposals – refer to Southwark Council
- 8 Those being considered by the Secretary of State under statutory power
- 9 Staff grievances – complaints from staff will be dealt with under the grievance procedure
- 10 Staff Conduct – complaints about staff conduct will be dealt with under the school's disciplinary procedures, if appropriate.
- 11 Complaints about services provided by other providers who use the school premises –

They should have their own complaints procedure and should be contacted directly.
- 12 Whistleblowing – there is a whistleblowing policy for all employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.



APPENDIX 4

Additional considerations

1. If the complaint alleges or suggests conduct that might indicate that an individual would pose a risk of harm if they continue to work in regular or close contact with children, advice will be sought from the Local Authority Designated Officer (LADO) before any management or complaints investigation is initiated.
2. If other bodies are investigating aspects of the complaint it may impact on the timescales within this procedure or result in the procedure being suspended until the other investigation is complete.
3. If a complainant commences legal action against the school in relation to their complaint, the complaints procedure may be suspended until the legal proceedings have concluded.
4. If, after closing a complaint at the end of the complaints procedure, a duplicate complaint is received (e.g. from a spouse, a partner, a grandparent, or a child.) and the complaint is about the same subject, the school will inform the new complainant that the school has already considered that complaint and the local process is complete. The new complainant will be advised to contact the DfE if they are dissatisfied with the school's handling of the original complaint.
5. If a high volume of complaints is received all based on the same subject and /or from complainants unconnected with the school the school will
 - a. send a template response to all complainants and/or
 - b. publishing a single response on the school's website



APPENDIX 5

Conduct of a meeting

1. The aim of the meeting is to resolve the complaint and achieve a reconciliation between the school and the complainant.
2. While this is a formal process, the meeting will be as informal as possible and not be inhibiting or intimidating to the individual who has made the complaint.
3. Everyone must be treated with respect and courtesy and both the complainant and the school given the opportunity to state their case without undue interruption.
4. Representatives from the media are not permitted to attend.
5. Electronic recording of the meeting is not permitted unless the complainant's disability or special needs requires it and prior consent has been given by all parties attending.
6. Exceptionally, in situations of undue aggression or where relationships have deteriorated to the point that a meeting is unlikely to be able to make reasonable progress, the committee may hear the parties' statements separately, ie with only one party present, in turn, before calling them together for questions to be put. In this situation, it is important that no additional information is introduced that is not made available to the other party.

In conducting the meeting the Chair will:

1. Welcome everyone and invite those present to introduce themselves.
2. Check that the complainant received the papers and a copy of the meeting procedure in advance.
3. Explain the remit of the panel, summarise the procedure to be followed and provide any clarification requested.
4. Take control of the meeting and ensure it is conducted fairly under the agreed policy and procedures.
5. State that papers distributed in advance will be taken as read and ask all parties to refer to them by page number and not quote from them at length.
6. Invite the complainant to confirm that the complaint is as set out on their form/letter and the resolution they are seeking.
7. Invite the complainant to give their information and draw key points to the governors' attention. This should only include information that has been submitted already.
8. Should the complainant wish to call witnesses, the chair will consider each request as it is made, consulting Committee members/advisers as appropriate and rule on the matter. Each witness, having contributed their information, may be questioned by the other party and the Committee members, and the witness will then leave the meeting.
9. Invite the Investigator to question the complainant on what has been presented.
10. Invite governors to put questions on the information presented.



11. Invite the Investigator to respond to the complaint, similarly considering each request to call witnesses, including members of staff, as above.
12. Invite the complainant to ask questions on what the Investigator has presented.
13. Invite governors to put questions on the information presented.
14. Invite the Investigator to sum up and make a final statement. New information is not to be introduced.
15. Invite the complainant to sum up and make a final statement. New information is not to be introduced.
16. Inform the complainant and Investigator that the Committee will consider its decision and write with that decision within 10 school days. Ask the parties to leave.

The governors then consider the complaint and evidence presented, reach a decision and agree the reasons for that decision. The Clerk remains to advise and help governors with drafting their decision letter.

The Committee's agreed written decision will be sent by the clerk to both the complainant and Investigator within 10 days of the meeting.



APPENDIX 6

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:

- sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- interviewing staff and, if necessary, children/young people and other people relevant to the complaint
- consideration of records and other relevant information
- 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.

The Investigator will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details. Their response will detail the 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.



Clerk to the Governing Body

The Clerk is the contact point for the complainant and the Committee 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 Committee's decision.

Committee Chair

The Chair of the Committee, 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 committee 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 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 the 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 committee is open-minded and acts independently
- no member of the committee 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

Committee Member

Committee 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 committee 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 committee 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 committee 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 committee 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 committee considers is not in the child/young person's best interests.
- The welfare of the child/young person is paramount.