



**St. Alban & St. Stephen  
Catholic Primary School & Nursery**

# **Complaints Policy & Procedure**

*‘Learning and growing with God by our side’*

**Approved by:**

Governing Body

**Date:** October 2024

**Next review due by:**

September 2025

## 1. Introduction

In a Catholic school, parental/carers' concerns are of particular importance. As the first educators of their children, parents/carers have a duty to take an active interest in their school. "Since parents have given children their life, they are bound by the most serious obligation to educate their offspring." (*Gravissimum Educationis*). To this end, "there must be the closest co-operation between parents and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents and willingly listen to them." (Can.796) In a Catholic School, therefore, dealing with parental/carers' concerns will be an intrinsic part of the school's ethos and mission.

No-one likes criticism but an open organisation will always be willing to listen to concerns and anxieties and be ready to learn from them if appropriate. In a school, most concerns are likely to be expressed by the parents or carers of its pupils, though some may come from pupils themselves, former pupils, parishioners, or from other interested parties such as neighbours or users of the premises. It is appropriate for a complaint to be processed from wherever it arises.

### 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 defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. St. Alban & St. Stephen Catholic Primary School & Nursery takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Head teacher/ Head of School will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head teacher/ Head of School will refer you 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.

Nearly all concerns or questions can be resolved very quickly and informally if parents/carers feel able to voice them as soon as they arise. Obviously, the more information the school gives to them the less scope there is for misunderstanding. As part of this information, parents/carers should be told that feedback is always welcome and that, therefore, they are warmly encouraged to voice any concerns straightaway, preferably to the person concerned. In most cases, discussion, explanation, further information – or an apology, if appropriate – will resolve the issue. Every effort should be made to allay concerns at this level and with the least possible formality. The ideal is that no concern should ever become a formal complaint.

Occasionally, however, a concern will be too serious to be handled in this way, perhaps needing greater investigation; or the person concerned may not feel that the answers given so far have been acceptable or adequate. In such circumstances, the concern will become a complaint and the formal procedure should be rigorously followed. Even in these cases, every effort should be made to resolve the issue at the lowest possible level of the procedure. It should be very rare indeed that a complaint needs to be decided at the Appeal Stage by a Complaints Appeals Panel.

It is very important that all governors and members of staff be familiar with the school complaints procedure and that they know who the complaints co-ordinator for the school is so that they can refer complaints to that person when approached by someone with a complaint. Regular training on complaints procedures is provided by the Diocese. In all circumstances the published procedure must be followed closely. Should difficulties arise, advice can be sought from the Diocesan Education Service.

## THE FORMAL PROCEDURE

### Principles

At every stage of the formal procedure, the handling of the complaint will be:

- Non-adversarial
- Swift (using agreed time limits)
- Fair (using independent investigation where necessary)
- Confidential

Throughout the process, the school will be willing:

- to listen
- to learn
- to admit mistakes
- to apologise if appropriate
- to address any issues raised to change school practice if appropriate

In using this procedure:

- staff are asked to be aware that complainants may feel intimidated by the school as an institution and unsure whether they will be treated fairly
- complainants are asked to be aware that those complained about, especially individual members of staff, may feel very vulnerable during this process

Throughout the procedure, therefore, the aim of all parties should be not only to resolve the complaint but also to develop and sustain good relationships between all members of the school community. However formal or serious the complaint, or however dissatisfied the complainant, the aim will always be reconciliation between all parties and a renewed commitment to work together amicably. The gospel values of justice and forgiveness should always underpin the entire process.

## 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.

## Withdrawal of a Complaint

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

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of facilities or services by St. Alban & St. Stephan Catholic Primary School & Nursery other than complaints that are dealt with under other statutory procedures, including those listed below. This Complaints Procedure does not apply to:

- members of staff (who should use their own Grievance Procedure)
- procedures with their own appeal structure e.g. admissions, exclusions and SEN assessments
- concerns about the delivery of the National Curriculum and about collective worship will be dealt with by the school in the first instance (stages 1 and 2) and if there is no satisfactory resolution, will be referred to the Secretary of State

It is also totally separate from any Disciplinary, Capability or Whistleblowing Procedures. If the investigation of any complaint were to lead to concerns on the part of the headteacher or governors about the capability or conduct of a member of staff, these would not be discussed or dealt with within this procedure.

Exceptions	Who to contact
<ul style="list-style-type: none"><li>• Admissions to schools</li><li>• School re-organisation proposals</li><li>• Statutory assessments of Special Educational Needs</li></ul>	<ul style="list-style-type: none"><li>• Appeals procedure</li><li>• Governing Body</li><li>• Hertfordshire <a href="https://www.hertfordshire.gov.uk/services/schools-and-education/school-admissions/primary-junior-">https://www.hertfordshire.gov.uk/services/schools-and-education/school-admissions/primary-junior-</a></li></ul>

	<a href="#">and-middle-schools/primary-junior-and-middle-school-places.aspx</a>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p> <p>Children’s Services – 0300 123 4043  SOOHS (Out of Hours Service-Children’s Services) – 0300 123 4043</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school 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.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school’s internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school’s internal disciplinary procedures, if appropriate.</p> <p>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.</p>

<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

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. Alban & St. Stephen Catholic Primary School & Nursery 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.

## Outline of the Procedure

There are three stages to the formal procedure. It is possible that at any stage it will become necessary to involve other members of staff, governors or outside persons in the investigation of a complaint. In order to comply with the Data Protection Act 2018 written consent should be obtained from the complainant before any information is disclosed to a third party. Throughout the procedure audio and/or video recordings may only be made in exceptional circumstances (e.g. as reasonable adjustments) and with the consent of all those present (including witnesses). Covert recordings obtained without the written consent of all parties will not be accepted as evidence.

### Stage 1

#### Complaint heard by a member of staff (not the subject of the complaint).

Mrs J. Bates, Assistant Head, is the Complaints Co-ordinator, to whom all complaints will be addressed in the first instance via [admin@ssas.herts.sch.uk](mailto:admin@ssas.herts.sch.uk).

The complaints co-ordinator will either hear a complaint personally or, where appropriate, refer the matter to another member of staff. The co-ordinator will also keep records of each complaint and of action taken in regard to it (using an agreed proforma e.g. as in Appendix B) so that the senior managers and governors of the school can be kept informed of all issues that arise and as a result can change or develop school practices where necessary or appropriate.

If a person is unable to articulate their complaint or would have difficulty in presenting it in writing e.g. through disability, learning or language difficulties, then the complaints co-ordinator or another member of staff should assist the complainant in formulating the complaint.

### Stage 2

Complaint heard by the headteacher or Head of School.

### Stage 3

Complaint heard by Governing Body's Complaints Appeal Panel.

If unsatisfied at Stage 1 or 2, the complainant can take the complaint to the next stage

## THE FORMAL COMPLAINTS PROCEDURE IN DETAIL

### **Stage 1 – Complaint Heard by Staff Member**

NB The aim is to resolve the complaint at this level.

1.1 The complaint should be addressed in the first instance to the designated member of staff (Mrs J. Bates, the complaints co-ordinator). This may be done in person, by telephone or in writing e.g. letter, email or text. Ideally, the complaint will be recorded by the complainant on the Complaint Form (See Appendix A for a sample complaint form). Sometimes a complaint may be made by a third party on behalf of the complainant.

1.2 The complaints co-ordinator will log the complaint and either investigate the complaint personally or refer it to an appropriate member of staff. In making this decision, the co-ordinator will be sensitive to any indication that the complainant would have difficulty discussing the complaint with a particular member of staff. All records will be kept securely and confidentially. All follow-up will be recorded on the Complaints record form (see Appendix B).

1.3 If the complaint concerns the Headteacher, a governor, or the whole governing body, the co-ordinator should refer it to the Chair of Governors and, in courtesy, inform the Headteacher/governor(s) that this has been done. If the complaint concerns the Chair of governors, the co-ordinator should refer it to the vice-chair.

1.4 Whoever investigates the complaint will:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them;
- clarify what the complainant feels would put things right, clearing up any areas of misunderstanding, identifying areas of agreement and discussing what might be possible;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish (this should include adults and pupils as appropriate, whether main players or witnesses);
- conduct each interview with an open mind and be prepared to persist in the questioning;
- keep secure and confidential notes of each interview.

1.5 Timescales. Within ten school days of receiving the complaint, the investigator will complete the investigation and contact the complainant to arrange a meeting. (See 1.6). At any point in the process, the complaints co-ordinator may decide or agree to commission a further investigation, whether by

333a member of staff or an independent person. If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.

1.6 When the investigation is complete, the member of staff investigating will meet the complainant to try to resolve the complaint. Every effort should be made to try to resolve the complaint at this meeting. Any of the following may be appropriate at this point:

- an acknowledgement that the complaint is valid in whole or in part;
- an apology;
- an explanation;
- a clarification of misunderstandings;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again; – an undertaking to review school policies in light of the complaint.

Some of the above may require that the investigator seek authority from the head teacher. Naturally, nothing should be offered or promised that cannot be justified or fulfilled.

1.7 If the complaint cannot be resolved, the complainant will be advised that they may refer it to Stage 2. This should be done within one month of receipt of the outcome of the investigation meeting (1.6).

## **Stage 2 – Complaint Heard by Head teacher**

2.1 Where a complaint has not been resolved at Stage 1, it will be referred to the headteacher unless the original complaint concerned either the headteacher or the chair of governors in which case the complainant may refer it straight to Stage 3.

2.2 The headteacher will either investigate the complaint personally or refer it to another senior member of staff (who has not so far been involved) or arrange for an independent investigation if appropriate. At this point it is possible that the complaint will have escalated to include a complaint concerning the manner in which the original complaint has been handled. Both parts of the complaint would in this case need to be investigated.

2.3 In conducting the investigation, the investigator will operate in accordance with section 1.4.

2.4 Timescales: Within ten school days of receiving the complaint, the investigator will report back to the headteacher. Within a further three school days, the headteacher will contact the complainant and arrange a meeting. (See 2.5) At any point in the process, the headteacher may decide or agree to commission a further investigation, whether by another senior member of staff or a governor or an independent person. If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.

2.5 When the investigation is complete, the headteacher will consider the evidence and, whether or not he or she investigated the matter personally, will meet the complainant (with or without the person who conducted the investigation if different) to try to resolve the complaint. Every effort



should be made to resolve the complaint at this meeting. Any of the suggestions in section 1.6 may be appropriate at this point.

2.6 If the complaint cannot be resolved, the complainant will be advised that they may refer it to Stage 3. A request to escalate to Stage 2 must be made to the Clerk, via the school office, should be done within one month of the investigation outcome meeting (2.5).

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

### **Stage 3 Complaint Heard by Governing Body's Complaints Appeal Panel**

3.1 A Complaints Appeal Panel, consisting of three governors, should be appointed annually by the governing body. This panel will have delegated power to hear and finally determine complaints. Ideally, the make-up of the panel should reflect the make-up of the governing body and/or the profile of the pupils in the school. Any governor who has prior involvement in or detailed knowledge of a particular complaint or its investigation may not sit on the panel hearing that complaint. It would be advisable, therefore, for the governing body to agree alternative panel members in case of such a circumstance. In the event that there are insufficient numbers of governors available to participate in a Panel, the Chair of Governors or Vice-Chair of Governors as appropriate may appoint associate members, on the recommendation of the Diocese, to participate solely in the relevant complaints panel.

3.2 To trigger Stage 3, the complainant will have been dissatisfied with the school's approach to the complaint in the first two stages and must now put the complaint in writing to the Chair of governors. The Chair will check what has happened so far and, if the procedure has been properly followed and it is appropriate to move to Stage 3, he or she, or a nominated other governor, will - via the clerk - convene a Governing Body's Complaints Appeal Panel. If the original complaint concerned the Chair of Governors and was referred to the ViceChair at Stage 1, the Vice-Chair will tell the complainant the name of the nominated governor for a referral to Stage 3. (see section 3.1) If both the Chair and Vice-Chair of governors are the subject of the complaint then the clerk will notify the complainant of the person to whom the complaint will be referred.

3.3 This is the final stage of the school procedure. It is, therefore, vital that, in the spirit of the procedure, the Appeal Panel should:

- be prepared to hear complaints without preconceptions;
- examine and discuss the matter fully so that they ensure that they have every piece of information or evidence that they require;
- be prepared to commission, organise or conduct further investigations if necessary;
- give the complainant the opportunity to express their dissatisfaction and worries and to suggest what might put things right;
- be prepared to take whatever action is required.

**3.4 Timescales.** The date of the Appeal Panel Meeting should be agreed by all parties within five school days of the receipt of the written referral of the complaint. The meeting itself should be held within fifteen school days of the receipt of the referral. If the complainant or the headteacher wishes to submit information in writing to the panel, they should send it to the clerk to the governors at least five school days before the meeting. As far as possible, the meeting should not be delayed if the referral comes at the end of a term, especially at the end of the summer term. Since the aim of the procedure is to resolve the issue and effect reconciliation if necessary, it will be best if the matter can come to the panel as quickly as possible, especially as the complainant will already have been engaged over a protracted period in attempts to put things right.

**3.5 Failure to agree a date.** If a party to the complaint fails to agree to attend a Complaints Panel meeting having been offered 2 or more alternative dates, within the 20 school day period, in an effort to accommodate their attendance, then the Complaints Panel may decide the meeting should take place in any event on the date last offered to the parties to the complaint. This particularly so if otherwise the complaint will not be heard within the school term or if the event giving rise to the complaint extends back sometime before the complaint was made. The complainant will be notified in writing of the time and date the Complaints Panel has agreed to meet to consider the complaint.

**3.6. Failure to Attend.** If a date is agreed or if pursuant to 3.5 above the complainant fails to agree a date and it is decided that the meeting should proceed and on the date and time notified to the parties the complainant fails to attend without reasonable excuse, notified to the Complaints Panel by the time of the meeting then the Complaints Panel will consider whether it is appropriate either to dismiss the complaint summarily for absence of the complainant or to proceed to conduct the meeting in the absence of the complainant using such evidence as was already before it on paper and as is available orally from the other party. The Meeting of the Governing Body's Complaints Appeal Panel

**3.7 Before the meeting:** Members of the panel should consider carefully any documentation from the headteacher or the complainant but should not discuss the matter with any one, including the other members of the panel, before the meeting. This is in the interest of fairness and natural justice. The appeal panel must operate scrupulously as an independent arbiter of the complaint. The panel may however, liaise before the meeting in order to decide whether or not it is appropriate to exercise the powers set out in paragraph 3.5 above.

### **3.8 Conduct of the meeting – to be borne in mind:**

One of the panel must act as Chair and there should be a clerk for the meeting.

A member of the Diocesan Education Service may be invited to advise and support the panel.

The meeting room should be private and as informally laid out as possible in order to encourage a spirit of partnership. It is very important that there should be nothing adversarial about the proceedings. The tone of the whole meeting will be set by the atmosphere of the room in which it is set and by the way people are greeted. Panel members should be sensitive to the vulnerabilities and sensitivities of all concerned. Parents/Carers may be emotional when talking about their child; the headteacher and others involved in the earlier investigations may fear that their professionalism could be under attack. Everyone needs to remember that the aim and purpose of the meeting is to resolve the complaint and find ways of going forward together. It is possible that the complainant may not be satisfied with the outcome if the panel does not find in their favour, but the conduct of

the meeting can go a long way towards smoothing such dissatisfaction. At the very least, every complainant should feel at the end that their complaint has been taken seriously and examined impartially.

- If the complaint is about the Headteacher or Chair of governors and has been investigated by the Chair of Governors or another governor at Stage 2, then that governor may present the case for the school.
- Very special care should be taken if the complainant is a child or if there are child witnesses. Children's views should be given equal consideration to those of adults. If a parent/carer has complained on behalf of a child, the parent/carer should be given the opportunity to say which parts of the meeting the child needs to attend
- The parent/carer must be told that they are permitted to bring a friend or representative to the meeting.

### **3.9 Role of the Clerk**

The clerk will:

- confirm to all parties in writing the date, time and venue of the hearing;
- receive and distribute any documentation to be read before the hearing;
- meet and welcome all parties as they arrive at the hearing;
- record the proceedings and maintain secure and confidential records;
- notify all parties of the panel's decision within 3 school days (or as decided by panel). The wording of any letters will be agreed with the chair of the panel

### **3.10 Role of the Chair of the Panel**

The Chair will ensure:

- that the procedure is properly followed (with the support of the Diocesan Education Service if requested);
- that the procedure for the hearing of the complaint is explained to all parties and that all parties have the opportunity to put their case without undue interruption;
- that the issues are addressed;
- that all parties are put at their ease, especially any who may not be accustomed to speaking at such a hearing;
- that the proceedings are kept as informal as possible and that everyone treats each other with respect and courtesy;
- that the panel operates in an open-minded and independent way; that time is given for all parties to consider any 'new' evidence.

### **Role of the Diocesan and Local Authority Representatives**

- To advise the panel on procedure. The Diocesan and local authority officers are there in an advisory capacity only. They do not have a vote and do not participate in the panel's decision-making process.

### **3.11 Order of Proceedings for the Hearing of the Complaint**

- Welcome, introductions and explanations of the proceedings by the Chair.
- The complainant is invited to explain the complaint.
- The headteacher may question the complainant.
- The panel may ask questions at any time.
- If there are any witnesses for the complainant, each one is invited into the hearing in turn and in each case the witness is invited to speak, then the headteacher may question them. In each case, the witness will leave after their evidence.
- The headteacher is invited to explain the school's actions.
- The complainant may question the Headteacher.
- If there are any witnesses for the school, they are treated in exactly the same way as the witnesses for the complainant.
- When the Chair is sure that all parties have asked all that they need to, the complainant is invited to sum up their complaint.
- The headteacher is then invited to sum up the school's actions and response to the complaint.
- The Chair explains that both parties will hear from the panel within three school days following the day of the hearing.
- Both parties leave together while the panel decides on the issues (advised by the Diocesan Education Service member if there).

### 3.12 Options Open to the Panel

The panel may:

- 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 procedure to ensure that problems of a similar nature do not recur.

### 3.13 After the Hearing the following action needs to be taken.

- The Chair of the panel agrees with the clerk the wording of the letter to be sent to both parties. This must include reasons for the decision and the fact that appeals on points of law or procedure may be referred to the Secretary of State for Education at: The School Complaints Unit, Department for Education, Piccadilly Gate, Manchester M1 2WD. (In the case of Academies any appeal would be to the Education funding Agency). The clerk then ensures that the letter is sent out in accordance with the agreed timescale.
- The clerk writes up the notes of the meeting and gives a copy to the Chair of the panel. It is recommended that these notes also be sent to the complainant and the school (redacted as appropriate).
- The clerk ensures that any recommendation to change school procedures is put on the agenda for the next governing body meeting.

**3.14 Serial or Persistent Complaints:** If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the

complainant tries to reopen the same issue, the Chair of Governors will inform them in writing that the procedure has been exhausted and that the matter is now closed.. In such circumstances, the School also reserves the right to invoke its Policy and Procedure for Managing Persistent and Vexatious Behaviour and Complaints (contained in Appendix D).

## **GENERAL POINTS**

### **Using and Publicising the Procedure**

The governing body will adopt the procedure formally and then to review and re-adopt it annually. They also need to ensure that staff are confident in its use and that it is appropriately publicised to all interested parties, especially parents. It must be placed on the school website. It is also available on the diocesan website.

### **Recording and Reporting Complaints**

In order to turn complaints to positive effect, it is important that records are kept so that at regular intervals (perhaps termly) both the senior managers of the school and the governing body can reflect on issues that have arisen and on the way in which they have been handled. The complaints co-ordinator will hold these records and to collate them into a report for the headteacher (if he or she is not the co-ordinator) and the governing body. The governing body may also wish to consider reporting to parents any changes which have been made to the school's procedures as a result of parental feedback.

### **Confidentiality**

All records of complaints must be kept strictly confidential, except where a legitimate subject access request is made under The Data Protection Act 2018. Complainants are entitled to a copy of the records of a complaint, including notes and outcomes. Records of complaints should be retained for three years following completion of the complaints process and then destroyed.

### **Complaints Made Other Than in Accordance with the Procedure**

Sometimes a complainant may be unfamiliar with, or unaware of, the complaints procedure; sometimes they may choose to take their complaint straight to governors or to other parties, such as the diocese or the Local Authority. In every such case, the procedure must be strictly adhered to, and the complaint redirected to its proper stage in the procedure. It is, therefore, important that all members of staff and all governors are fully aware of the procedure and that it is publicly available. It is particularly important that governors know that they must not attempt to deal with complaints themselves, but should tell complainants to take their complaint to the school's complaints co-ordinator.

### **Complaint Campaigns**

Occasionally schools become the focus of complaint campaigns where large volumes of identical complaints are received from persons unconnected to the school. If the school is the subject of such a campaign, the Chair of Governors will send a template response to all complainants or publish a

single response on the school website. The method of response will be determined by the number of complaints received.

### **Legal Representation**

The Complaints Appeal Panel hearing is intended to be a non-adversarial meeting. It is not part of legal proceedings and it is intended that the complaint should be heard, that the complainant and the school should be reconciled and any mistakes rectified. It is not therefore appropriate for the complainant or the school to be legally represented. Legal representatives/advisers will only be admitted in exceptional circumstances and with written permission obtained in advance from the panel.

### **Complaints to Ofsted**

The Education and Inspections Act 2006 at s.160 provides a procedure for Ofsted to investigate parents' complaints about a school. A complaint cannot be investigated unless the school's complaints procedure has been exhausted, subject to the Chief Inspector's discretion to waive this requirement.

### **Complaints to the Secretary of State**

The School Complaints Unit If a complaint has completed the school procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so. The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally reinvestigate the substance of the complaint. This remains the responsibility of schools. The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.

Further information can be obtained from the SCU by calling the National Helpline on 0370 000 2288 or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to: Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street Manchester M1 2WD 15

**Appendix A -Complaint Form for recording your complaint**

Please complete and return via [admin@ssas.herts.sch.uk](mailto:admin@ssas.herts.sch.uk) to:

**Stage 1: Complaints Co-Ordinator Mrs J Bates**

Stage 2: Head of School Ms T Hackett

Stage 3: Chair of Governors Miss P Lai

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

**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 B --Complaint Form for School to record actions to resolve complaint**

<b>Complainant's name:</b>
<b>Pupil's name (if relevant):</b>
<b>Date of complaint:</b>
<b>Other complaints made by complainant:</b>
<b>Date acknowledgement sent (within two school days) and by whom:</b>
<b>Complaint referred for investigation to:</b>
<b>Complaint investigated and formal written response sent:</b>
<b>Details of complaint:</b>
<b>What the complainant feels is unresolved and what outcome the complainant would like to see:</b>

**Actions taken to investigate the complaint:**

**Complaint was upheld in whole**

**Complaint was upheld in part**

**Complaint was not upheld**

**To resolve the complaint, the school will provide:**

- 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

**Other:**

## APPENDIX C: ORDER OF PROCEEDINGS

It is appropriate for each person present to be given a copy of this page.

- Welcome, introductions and explanation of proceedings by the Chair;
- The Complainant (or representative) is invited to explain the complaint;
- The Headteacher (or representative) may question the Complainant;
- The Panel may ask questions at any time;
- If there are any witnesses for the Complainant they are invited individually into the room to make their points, the Headteacher and the Panel may question them and then the witness is invited to leave;
- The Headteacher is invited to explain the school's actions;
- The Complainant and the Panel may ask questions;
- Any witnesses for the school are invited in and treated in the same way as the Complainant's witnesses;
- The Chair checks that all parties have asked all they need to, then the Complainant, followed by the headteacher is invited to sum up;
- The Chair explains that the decision will be issued within 3 school days and all parties leave together;
- The Panel makes its decision (advised on law and procedure by member of Diocesan Education Service, if present.)

## APPENDIX D- POLICY & PROCEDURE FOR MANAGING PERSISTENT AND VEXATIOUS COMPLAINTS AND BEHAVIOUR

St Alban and St Stephen Catholic Primary School & Nursery is committed to dealing with all complaints fairly and impartially and in accordance with the complaints policy and procedure that the Governing Body has adopted. The School will not normally limit the amount of contact that parents, carers or complainants have with us; however, the School does not expect its staff to tolerate unreasonable behaviour and we will take decisive action to protect staff from such behaviour, including any that the School deems to be abusive, offensive or threatening. See also our [Dealing with Unacceptable Behaviour by Parents Policy.pdf](#).

St Alban and St Stephen Catholic Primary School & Nursery defines unreasonable behaviour as that which affects the smooth and efficient running of the School on a daily basis, or that which hinders the School's 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 process at any stage.
- Refuses to accept that certain issues are not within the scope of the complaints process.
- Insists on the complaint being dealt with in ways which are incompatible with the complaints process or with good practice, or only in a way that suits themselves.
- Introduces trivial or irrelevant information that they expect to be taken into account and commented upon.
- Raises detailed but unimportant questions and insists they are answered fully, often immediately and to their own timescales.
- Makes unfounded complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Seeks to change the basis of some or all of the complaint as the complaints process proceeds.
- Repeatedly makes the same complaint(s) (despite previous investigations or responses concluding that the complaint is unfounded or has been fully addressed).
- Refuses to accept the outcome of the complaints process despite the fact that the process has been exhausted and correctly implemented, including signposting the complainant to the Department for Education (DFE).
- Seeks an unrealistic outcome.

- Makes excessive demands on School time by way of frequent, lengthy, complicated and stressful contact(s) with staff regarding the complaint, in person, in writing, by email and by telephone whilst the complaint is being dealt with.
- Uses threats to intimidate.
- Uses abusive, offensive or discriminatory language or violence.
- Makes and breaks contact with the School on an ongoing basis with varying time delays in between.
- Knowingly provides false information.
- Persistently approaches various individuals at the School, as well as other local agencies, the Local Authority, the Diocese, Ofsted and the Department for Education, etc, through different routes about the same issue(s) in the hope of eliciting different responses.
- Publishes what the School deems to be inappropriate or unacceptable information on social media or other platforms.

Complainants should try to limit their communication with the School where it relates to their complaint, whilst the complaint is being progressed through the complaints process.

It is unhelpful and unnecessary if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome(s) being finalised. Wherever possible, the Headteacher or Chair of Governors will discuss any concerns with the Complainant/Parent/Carer about their behaviour informally before deciding to invoke this policy and procedure for managing persistent and vexatious behaviour and complaints.

If any unreasonable behaviour continues after the Headteacher or Chair of Governors has spoken informally with the Complainant/Parent/Carer, the Headteacher will write to them. The Headteacher will confirm that the School deems their behaviour to be persistent and/or vexatious and will ask them to stop behaving in this way. Wherever Complainants/Parents/Carers continue to contact St Alban and St Stephen Catholic Primary School & Nursery excessively, causing a significant level of disruption, the School will consider whether to impose some or all of the following communication restrictions and confirm this in writing accordingly:

- Requesting that contact only takes place in a particular form (e.g. letters only).
- Requiring contact to take place with a designated member of Staff (e.g. the Headteacher).
- Restricting telephone calls to specified days and times.
- Asking the complainant to enter into an agreement about their future contact with the School.

- Informing the complainant that if they do not follow this advice (as stated above), any further communication/correspondence that does not present significant new matters or new information will only be kept on file and will not be acknowledged or responded to.
- If the complainant tries to re-open an issue that has already been considered through the complaints process, the Chair of Governors will inform them in writing that the process has been exhausted, that the matter is now closed, and that the School will not enter into any further correspondence about it.

The decision of the Headteacher or Chair of Governors to invoke this policy and procedure (and any communication restrictions imposed as a result) is final and cannot be challenged or overturned through the School's complaints process. This is because the decision will be reviewed by the Headteacher or Chair of Governors after six months. If the Complainant/Parent/Carer's behaviour has remained the same or worsened, the Headteacher or Chair of Governors reserves the right to extend the communication restrictions for a further six months each time they review the situation. If the Complainant/Parent/Carer's behaviour has improved to a level that the School deems acceptable, then communication restrictions will be lifted on the proviso that should matters regress, the School reserves the right to reinstate the communication restrictions that previously applied. In response to any serious incident of aggression or violence, St Alban and St Stephen Catholic Primary School & Nursery will immediately inform the Police and communicate our actions in writing. This may include barring the individual(s) from the School premises. Should the School deem this necessary, it will ensure that it adheres to the guidance issued by the Department for Education (DFE) entitled Controlling access to School premises. The School also reserves the right to use and adapt this policy and procedure whenever it deems it appropriate to manage unreasonable or persistent contact not directly associated with, or resulting from, formal complaints.

In adopting this Policy, the Headteacher, Governing Body, the Diocese and Local Authority will seek to ensure fairness and consistency at all times