

St Stephen's Church of England  
Multi Academy Trust



**St Stephen's  
Church of England  
Primary School  
Complaints Policy**

<b>Policy agreed by staff:</b>	<b>March 2019</b>
<b>Policy agreed by Trust Board:</b>	<b>March 2019</b>
<b>Policy to be reviewed:</b>	<b>March 2021</b>

## **INTRODUCTION**

This is the procedure for dealing with complaints for St Stephen's Church of England Multi Academy Trust and applies to all schools in the Trust. Within this document, where the word "school" or "academy" is used, it applies to all within the Trust.

This procedure will apply to most general complaints received by a school. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal.

Complaints about delivery of the National Curriculum and the provision of religious education and collective worship should be handled under the requirements of Section 409 of the Education Act 1996.

Separate procedures also exist for appeals about special needs assessments and school admissions and exclusions. (See the respective SEN and Admissions Policies)

Concerns about allegations of child abuse and staff discipline must be dealt with through the separate agreed procedures that have been adopted for these purposes.

Guidance on dealing with complaints linked to racism is contained in Annex B.

## **General Principles**

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

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

A 'complaint' may be generally recognised as 'an expression or statement of dissatisfaction however made, about actions taken or lack of action'.

### **Dealing with Complaints – Initial concerns**

Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

### **Dealing with Complaints – Formal procedures**

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

## **Investigating Complaints**

It is suggested that at each stage, the person investigating the complaint (the complaints co-ordinator), makes sure that they:

- 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 (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

## **Resolving Complaints**

At each stage in the procedure we will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- 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.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### **Vexatious 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 procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the local governing body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **Terms Used**

For the purpose of the complaints policy, a “parent” includes the natural or adoptive parent of a student, irrespective of whether they are or ever have been married, whether they are separated or divorced, whether the student lives with them, whether the father has parental responsibility for the student or whether they have contact with the student.

A “parent” will also include a non-parent who has parental responsibility for a student, an adult non-parent with whom the student lives, and an adult who is involved in the day-to-day care of the student (for example, collecting or dropping off the student from school) .

Any reference to a “student” will also include a prospective or former student of the School. A person making a complaint will be referred to as a “Complainant” throughout this complaints policy.

### **Time Limits**

The School aims to resolve concerns, difficulties and complaints in a timely manner. Time limits for each stage of the procedure are set out under each individual stage. For the purposes of this Complaints Policy, a "school day" is defined as a weekday **during term time**, when the School is open to children. The definition of "school day" excludes weekends, school holidays and bank holidays.

For the avoidance of doubt, term dates are published on the School's website, and information about term dates is made available to parents and students periodically.

Although every effort will be made by the School to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered.

In all cases, where a time limit cannot be complied with, the School will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.

### **Late Complaints**

Where a complaint is submitted more than six months after the incident or event (or where the complaint relates to a series of incidents or events, more than six months from the date of the latest incident or event), the school reserves the right to refuse to investigate the complaint under this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the School decides that a complaint which was submitted late will not be investigated, the School will write to the Complainant notifying them of the decision within 5 school days of the complaint being received.

If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the Chair of Local Governors at the School asking for the decision to be reviewed. The Chair of Local Governors will be provided with all

documentation relating to the complaint, together with the letter from the School to the Complainant, and will review the decision not to investigate the complaint. The Chair of Local Governors will not investigate the complaint itself during this review.

The Chair of Local Governors will write to the Complainant with the outcome of the review within 10 school days of the date that the letter from the Complainant seeking the review was received, and provide the School with a copy of the letter.

If the Chair of Local Governors quashes the decision not to investigate the complaint, it will be referred to the School to be dealt with under this Complaints Policy in the usual way.

If the Chair of Local Governors upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education Funding Agency using the procedure stated towards the end of this Complaints Policy.

In exceptional circumstances, the Chair of Local Governors can delegate the responsibility for the review to the Vice-Chair of Local Governors.

### **Anonymous Complaint**

The School will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Head of School / Headteacher who will decide what, if any, action should be taken.

### **Resolution Principles**

It is in everyone's interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage.

The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern or difficulty is raised with them.

At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation;
- An apology;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- Reassurance that the School will undertake a review of its policies and procedures in light of the complaint. None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the School.

### **Confidentiality**

All correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State, a school inspector, or under another legal authority.

### **Publication**

This Complaints Policy has been ratified by the Trust Board and presented to the Local Governing Board, and will be reviewed annually. It will be published on the School's website and provided to parents and students on request by the School's office. A copy of this Complaints Policy will be provided to a Complainant when a concern, difficulty or complaint is first raised.

## **Stage 1 – Informal Complaint**

### **GUIDELINES**

The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher, middle leader or senior leader.

The school aims to ensure that parents feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent.

Parents may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with school staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.

Within Stage 1 there are two tiers. The concern or complaint will be first heard by a member of staff, often the classteacher and secondly by the Headteacher / Head of School.

### **PROCEDURE**

1. Parents should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.

2. If the member of staff first contacted cannot deal with the matter immediately, s/he should make a firm arrangement to deal with it at a future date or refer the matter to the Principal or another appropriate member of staff. In either case a note of the name, date and contact details of the complainant should be taken. The first contact should check to make sure the referral has been successful.

3. Staff should seek advice from their line manager if they are unsure of how to deal with the matter raised. Any matter that could potentially result in the following should be referred immediately to the Principal: legal or insurance claim, action under the staff disciplinary procedures, child protection matters, complaints relating to employment practice.

4. If the concern relates to the Headteacher / Head of School and the parent feels unable to raise it with the Headteacher / Head of School they should be advised to contact the Chair of the Local Governors.

5. The staff member / Headteacher / Head of School dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear.

6. If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint further. They should be informed of any advice and support that may be available to them.

7. The School will aim to resolve a concern or difficulty within fifteen school days of the date that it was raised. Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the complainant can submit matters raised as a formal complaint under stage 2 of the complaints policy.

## **Stage 2 – Formal Complaint**

### **GUIDELINES**

The Executive Headteacher, or other senior leader in his/her absence, needs to determine who has responsibility for responding to a formal complaint, including the decision about his/her own involvement at various stages.

If the complainant is dissatisfied with the action of the Executive Headteacher, or the Executive Headteacher has been very closely involved informally, the Chair of the Local Governors should carry out all the Stage Two procedures, with support if necessary from another governor, and with professional advice if necessary. Advice is also available from the Education Funding Agency.

Individuals on the governing body should not become involved at this stage to avoid prejudicing their possible future involvement.

### **PROCEDURE**

1. Parents who wish to pursue a formal complaint at Stage Two should be asked to put the complaint and their desired outcome in writing to the Executive Head using the Formal complaints form (Annex C). The Executive Head (or designated member of staff) should acknowledge the complaint orally or in writing within three school days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. Ideally, this should be within ten school days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
2. The Executive Headteacher (or a designated member of staff) may offer an opportunity for the complainant to meet him/her. The complainant should, if she/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. Interpreting facilities should be made available if required.
3. If necessary, the Executive Head (or a designated member of staff) should interview any witnesses and take statements from those involved. If the complaint concerns a student, the student should also be interviewed, normally with parent/guardian present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the student feels comfortable should attend with him/her. If a member of staff is complained against, the needs of that person should be borne in mind. Advice may need to be sought from professionals or from the Education Funding Agency.
4. The Executive Headteacher (or designated member of staff) should keep written records of meetings, telephone conversations and other documentation.
5. Once all the relevant facts have been established, the Executive Headteacher (or designated member of staff) should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up with a letter summarising the outcome of the meeting. The complainant should be advised in this letter that if they remain unhappy with the outcome, s/he may have the decision reviewed by the Chair of Governors, or designated member of staff, if the Chair has been involved in this stage.
6. The complainant should notify the Chair of Governors within ten school days of receiving the letter detailing the outcome of the complaint.

## **Stage 3 – Formal Complaint to the Governing Body**

Complaints will reach this stage if the complainant is dissatisfied with the outcome in stage 2. No new matters can be raised in this stage. Only documentation referenced in stages 1 and 2 can be reviewed

In appropriate cases, the Chair of Local Governors may delegate this review to the Vice-Chair, if previously being involved at stage 2, in accordance with the procedure and guidelines outlined below

### **PROCEDURE**

1. If the Complainant is unsatisfied with the outcome of the complaint under Stage 2 of this Complaints Policy, the Complainant may write to the Clerk to the Local Governors asking for the complaint to be reviewed by the Chair of Local Governors, within five school days of receiving the letter confirming the outcome following Stage 2.

2. The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stage 2.

3. The Complainant's letter will be acknowledged within five school days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to be taken and the specified time limit.

4. The Chair of Local Governors will be provided with all documentation relating to the complaint within five school days of receipt of the letter requesting a review under Stage 3, including the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records under Stage 2, and the letter of outcome under Stage 2.

5. The Chair of Local Governors will review all of the documentation received and consider the matters raised in complaint and the investigation carried out under Stage 2. The Chair of Local Governors will only speak to the persons involved in the matters raised to clarify matters which were not confirmed during the Stage 2 investigation, if believed necessary. Where the Chair of Local Governors does speak to a student or a member of staff whose conduct is in issue, they will be accompanied as outlined under Stage 2.

6. If the Chair of Local Governors deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. If a meeting is deemed appropriate, it will usually take place after the review has been completed with the aim of reaching a mutually acceptable resolution.

7. The Chair of Local Governors will write to the Complainant confirming the outcome of the review within twenty school days from the date that the request for a review was received. The letter will set out whether the Chair of Local Governors agrees with the findings and conclusion under Stage 2, and give reasons, as well as responding to any criticisms of the Stage 2 investigation.

8. The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 3 review, they should write to the Clerk to the Local Governors within five school days of receipt of the letter requesting a Complaint Panel Hearing under Stage 4 of this Complaints Policy.

## Stage 4 – Appeal to DfE

Complaints only rarely reach the appeal stage. At this stage, the Chair of Governors may wish to seek advice from professional personnel and/or the Education Funding Agency. The aim of the appeal to a panel of governors is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.

It is important, should a complaint reach the appeal stage that the governing body is impartial and independent and is seen to be so. Individual complaints should not be considered by the full governing body.

The governing body will, therefore, establish a panel to deal with complaints by nominating a pool of governors from which two can be drawn for any hearing and an independent member not involved with the management or running of the school.

Panel members should have had no prior involvement with the complaint. Generally, the Chair of Governors is not on the panel as s/he may be involved at the earlier stage.

Governing bodies should have regard to the advantages of having a mix of types of governor on the panel and be sensitive to issues of equal opportunity in the composition of the panel. Individual governors should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints, they should refer the complainant to the school complaints procedure, making the necessary introduction to a member of staff or Executive Headteacher if appropriate.

Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the governing body to view any complaint as being against the school rather than an individual staff member whose actions may have led to the original complaint.

Complainants that are not satisfied with the way in which their complaint has been handled by the school, are to be made aware of the Education Funding Agency's complaints system which can be found at the following:

<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

### PROCEDURE

Upon receipt of a written request from the complainant for the complaint to proceed to Stage four, the following procedure should be followed. A suitable clerk to the panel should be appointed.

1. The clerk should write acknowledging receipt of the written request, informing the complainant that a committee of the governing body will hear it within 15 school days of receipt.
2. The clerk should convene a meeting of the complaints committee at a time that is convenient for the complainant and the school.
3. The clerk should ensure that the complainant, Executive Headteacher and any other witnesses are given at least five school days' notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The chair should ensure that interpretation facilities for the hearing are offered and made available if required. The letter should set out the procedure for the conduct of the hearing (see annex A) and the complainant's right to submit further written evidence to the committee.

4. The clerk should invite the Executive Headteacher to attend the hearing and to submit a written report for the committee in response to the complaint. The Executive Headteacher may also invite the Chair of Governors or any other members of staff directly involved in matters raised by the complainant to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the chair of the committee.
5. All relevant documents should be received by all parties, (including the complainant) at least five school days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting.
6. An officer from the Education Funding Agency and/or a professional advisor may be invited to attend the meeting to advise the committee.
7. The panel should elect a chairperson who should ensure that proper minutes of the meeting are taken.
8. The chair of the panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.
9. At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and write to both
10. All except for the governor's panel and any advisers should then withdraw and the panel should consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the school and/or the parent; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
11. The school should ensure that a copy of all correspondence and notes is kept confidentially on file in the school. This should be separate from students' personal records.
12. The broad outcomes recommended by the panel can be reported to the next full governing body or appropriate committee with the identity of all those taking part kept confidential. The governing body should monitor implementation of the recommendations.

## **ANNEX A Procedure for the Conduct of a Stage 3 Governors Panel Hearing**

1. The chair of the committee should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines-
  - The complainant describes her/his complaint and may call witnesses.
  - The Principal may seek clarification from the complainant and any witnesses.
  - The governors' panel or its advisers may seek clarification from the complainant and any witnesses.
  - The Principal will respond to the complaint and may call witnesses.
  - The complainant may seek clarification from the Principal and any witnesses.
  - The governors' panel (including any Advisers) may seek clarification from the Principal and any witnesses.
  - The Principal will be given the opportunity to sum up.
  - The complainant will be given the opportunity to sum up.
  - Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
4. The panel should make a decision or judgement on:-
  - the validity of the complaint;
  - appropriate action to be taken by the school and/or parent;
  - where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.
5. The decision or judgement will be confirmed in writing within 5 days.

NB If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being

## **ANNEX B Dealing with Complaints about Racism in Schools**

1. Racist Behaviour to a Child or Student the procedures to be followed are stipulated in the guidance on reporting bullying as identified by the nine characteristics of the Equality Act 2010.

2. Racist Incident Alleged Against School Staff

- The report/complaint should be made to the Principal, or if the head teacher is the subject of the report/complaint, to the Chair of Governors;
- As racism is a disciplinary offence, the normal disciplinary procedures are followed.

3. Institutional Racism Parents who perceive that racist practice or policies are operated by the school should pursue these through the General Complaints Procedure.

## ANNEX C Formal Complaint Form

Please complete and return to the School who will acknowledge receipt and explain what action will be taken.

Your Name:	Child's Name:
Your Relationship to the Child:	Child's D.O.B and Class:
Address and Postcode:	Daytime Telephone Number:
	Evening Telephone Number:
Full details of complaint (including the names of all persons involved and the dates of incidents referred to):	

What action, if any, have you already taken to try and resolve your complaint (for example, who did you speak to and what was the response)?

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

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Date Acknowledgement Sent:

Name of Person Complaint Referred To:

Signature:

Date: