



**St Herbert's RC Primary School**

## **SCHOOL COMPLAINTS POLICY**

Approved by Governors on: 19<sup>th</sup> October 2022

Date to be reviewed: October 2025

Signed on behalf of the Governing Body: *P Devine (Chair)*



## **St Herbert's RC Primary School**

### **Policy for Complaints**

#### **OVERVIEW**

This policy is set within the context of the School Mission Statement:

*"Strong in Faith, Hope and Love, for the Common Good"*

and the School Ethos:

*"By loving one another as God loves us, we can achieve spiritually and academically"*

Since 1<sup>st</sup> September 2003, Governing Bodies of all maintained schools and maintained nursery schools in England have been required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

At St Herbert's RC Primary School, we aim to provide an outstanding education for all children. The Staff work very hard to build positive relationships with all parents. However, from time to time a parent may have a concern or complaint relating to our school. This policy sets out the procedures that are followed in such cases. It is important to note that this policy does not limit complainants to parents or carers of pupils registered at School. A complainant could be a member of the wider community or representing an ex pupil.

#### **DEALING WITH COMPLAINTS – INITIAL CONCERNS**

We aim to deal with any informal concerns seriously at the earliest stage. Informal concerns will 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 will receive the first approach and it is hoped that they are able to resolve issues on the spot or very soon after.

#### **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.

#### **FRAMEWORK OF PRINCIPLES**

At St Herbert's RC Primary School, we believe that our complaints procedure will be effective if it:

- encourages problems to be resolved by informal means wherever possible.

- is easily accessible and publicised.
- is simple to understand and use.
- is impartial.
- is non adversarial.
- allows swift handling with established time limits for action and keeps people informed of the progress.
- ensures a full and fair investigation by an independent person where necessary.
- respects people's desire for confidentiality.
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary.
- provides information to the Senior Leadership Team so that services can be improved.

## **INVESTIGATING COMPLAINTS**

At each stage, the person investigating the complaint should make 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 or arrange for an independent note taker to record minutes of the meeting.

## **RESOLVING COMPLAINTS**

At each stage in the procedure, we want to 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 (this is not the same as an admission of negligence).
- an assurance the event complained of will not recur.
- an explanation of the steps that have been taken to ensure it will not happen again.
- an undertaking to review school policies in light of the complaint.

## **VEXATIOUS COMPLAINTS**

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to open the same issue, the Chair of the Governing Body is able to inform them in writing that the

procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond. However, should a complainant raise an entirely new separate complaint, it will be responded to in accordance with the complaints procedure.

## **TIME LIMITS**

Complaints need to be considered and resolved as quickly and efficiently as possible. Realistic time limits for each action within each stage will be set. However, where further investigations are necessary, new time limits can be set. The complainant will be sent details of the new deadline and an explanation for the delay.

## **CUT OFF LIMITS**

It is reasonable to expect parents to make a complaint as soon as possible after an incident arises but there may be good reasons why they have not made a complaint earlier. In light of this there is a general cut off policy, that most complaints will be raised within 3 months of the incident/event, however we are willing to take exceptional circumstances into account when deciding whether to accept or progress a complaint.

## **THE COMPLAINTS PROCEDURE**

### **Stage 1 – Informal**

It is in everyone's interest that complaints are resolved at the earliest possible stage. If a parent is concerned about anything to do with the education that we are providing at our school, they should in the first instance, discuss the matter with their child's Class Teacher. This can be done in person, by telephone or in writing through letter or email. In our experience, most matters of concern can be resolved positively in this way. All staff work very hard to ensure that each child is happy in school and making good progress, and they will want to know if there is a problem so they can take action before it seriously affects the child. Most complaints are resolved by this stage.

Our school respects the views of all complainants who indicate that they would have difficulty discussing a complaint with a particular member of staff. In these cases, the complainant can be referred to another staff member. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint referring the complainant to another staff member may be considered. The member of staff may be more senior but does not have to be.

Where parents feel that a situation has not been resolved through contact with the Class Teacher, then they should make an appointment to discuss it with the Phase Leader with responsibility for dealing with behaviour and discipline within the key stage the child is in. The Phase Leader will liaise with the Class Teacher and investigate the complaint. Nearly all complaints are resolved by this stage. It is reasonable to expect to see the Class Teacher or one of the Phase Leaders immediately or if not within two days.

## Stage 2 – Formal

If your concern or complaint is not resolved at the informal stage you may choose to put the complaint in writing and pass it to the Headteacher, who will be responsible for ensuring that it is investigated appropriately. The Headteacher takes complaints very seriously and will investigate each case thoroughly. The Headteacher will hopefully be able to resolve the issue. It is possible to see the Headteacher immediately but if not within five days.

A Complaint Form is provided to assist you (Appendix B).

You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the school to take to resolve your concern. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the school office. The envelope should be addressed to the Headteacher.

The Headteacher may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution.

## Stage 3 – Formal

If the complainant is not satisfied with the response of the Headteacher or it is about the Headteacher, they should write to the Chair of Governors via the Clerk to the Governing Body, to request that their complaint is considered further (see Appendix C).

## Stage 4 – Formal

If the Chair of Governors has not been able to resolve the complaint to the complainant's satisfaction, then the Chair of Governors will convene a Governing Body Complaints Panel. The Governors Appeal Hearing is the last school based stage of the complaints process. The remit of the Complaints Appeal Panel is to

- 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 Schools systems or procedures to ensure that problems of a similar nature do not recur.

The Appeal Panel will consider the complaint within three weeks. The aim of the Hearing which needs to be held in private will always be to resolve a complaint and achieve reconciliation between school and the complainant.

It is recommended that the Appeal is clerked. The Clerk would be the contact point for the claimant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
- collate any written material and send it to the parties in advance of the Hearing of at least 5 school days.
- meet and welcome the parties as they arrive at the Hearing.
- record the proceedings.
- notify all parties of the Panel's decision.

## **ROLES AND RESPONSIBILITIES**

The Chair of the Panel will need to ensure that the complainant is notified of the panel's decision, in writing, with the Panel's response including the reason for the decision. The letter will also explain if there are any further rights of Appeal.

### Stage 5 – Formal

The final stage of Appeal is to the Secretary of State for Education.

## **RECORDING COMPLAINTS**

We will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone or in writing. A complainant form is attached to this policy (Appendix B). All complaints and subsequent actions will be logged on CPOMS (a secure cloud based management system).

## **GOVERNING BODY REVIEW**

The Governing Body may monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure, making changes where necessary. Complaints information shared with the whole Governing Body will not name individuals in case an appeal panel needs to be constituted.

As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, we may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body can be a useful tool in evaluating our performance.

The Governing Body has delegated the review of this policy to the Resources Sub-Committee. The revised policy will be approved by the full Governing Body. Reviews will also be considered in the event that new guidance or legislative changes are introduced by the Department for Education.

## **PUBLICISING THE POLICY**

The Complaints Procedure will be publicised on the School Website. Copies are also available from the School Office.

## Appendix A

### Unreasonably Persistent Complaints, Harassment or Aggression

The Headteacher and Staff deal with specific complaints as part of their day to day management of the school in accordance with the School's Complaints Procedure.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. The school is extremely committed to promoting positive relationships with all members of the school community, regardless of age, sex, religion, ability or culture and it welcomes the opportunity to address and resolve issues that may arise.

However, there are rare occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. The consequences are that the actions of the complainants begin to impact negatively on the day to day running of the school and directly or indirectly the overall well-being of the children or staff in the school. In these exceptional circumstances the school may take action in accordance with this policy.

#### **1. What does the school expect of any person wishing to raise a concern?**

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect.
- respect the needs of pupils and staff within the school.
- avoid the use of violence, or threats of violence, towards people or property.
- avoid any aggression or verbal abuse.
- recognise the time constraints under which members of staff in schools' work and allow the school a reasonable time to respond to a complaint.
- recognise that resolving a specific problem can sometimes take time.
- follow the school's complaints procedure (and for staff members to follow the appropriate internal staff procedure).
- Not confront other children or parents on school premises but allow a staff member to resolve the matter.

Social media:

- Social media websites are being used increasingly to fuel campaigns and complaints against schools, Headteachers, school staff, and in some cases other parent's pupils. School considers the use of social media websites being used in this way as unacceptable and not in the best interests of the children or the whole school community. Any concerns you may have must be made through the appropriate channels by speaking to the Class Teacher, the Headteacher or the Chair of Governors, so they can be dealt with fairly, appropriately and effectively for all concerned.
- In the event that any pupil or parent/carer of a child/ren being educated at school is found to be posting libellous or defamatory comments on Facebook or other social network sites, they will be reported to the appropriate 'report abuse' section of the network site. All social network sites have clear rules

about the content which can be posted on the site and they provide robust mechanisms to report contact or activity which breaches this. The school will also expect that any parent/carer or pupil removes such comments immediately.

- In serious cases the school will also consider its legal options to deal with any such misuse of social networking and other sites.

## **2. What do we mean by ‘unreasonably persistent complainants’?**

For the purpose of this policy, an unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include the following (not an exhaustive list);

- actions which are obsessive, persistent, harassing, prolific, repetitious.
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint.
- uses Freedom of Information requests excessively and unreasonably.
- an insistence upon pursuing complaints in an unreasonable manner.
- an insistence on only dealing with the Headteacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters.
- an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.
- making what appears to be groundless complaints about staff dealing with the complaint and seeking to have them replaced.
- abusive or threatening behaviour or language towards school staff.
- failing to specify grounds of the complaint, despite offers of assistance from the school.

## **3. What is harassment?**

We regard harassment as including the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress, rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause.
- the way in which a complaint or other issue is pursued (as opposed to the complaint itself) causes undue distress to school staff or others.
- it has an unjustifiably significant and disproportionate adverse effect on the school community.



#### **4. School's responses to unreasonably persistent complaints or harassment**

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach.
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/Harassment Policy.
- require any future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken.
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through a third party chosen by the school, for example the Local Authority or County Solicitor.
- inform the complainant that, with the exception of urgent communication regarding their child in school, the school will respond to their correspondence on a 6 weekly basis only.
- take legal advice on pursuing a case under Anti-Harassment legislation.

Where all relevant procedures have been exhausted and aggression or intimidation continue, or where there is an extreme act of violence, a parent or carer may be barred by the Headteacher from the school premises for a defined period of time.

In imposing a bar, the following steps will be taken:

- The parent or carer will be informed, in writing, that she/he is barred from the premises, subject to review, and what will happen if the bar is breached eg: that police involvement or an injunction application may follow;
- Where an assault has led to a bar, a statement indicating that the matter has been reported to the employing body and the police will be included;
- The Chair of Governors will be informed of the bar;
- Where appropriate, arrangements for pupils being delivered to and collected from the school gates will be clarified.

Legitimate new complaints will always be considered in an appropriate time frame, even if the person making them is (or has been) subject to the Unreasonably Persistent Complaints/Harassment Policy. The school nevertheless reserves the right not to respond to communications from individuals whose conduct falls within the scope of this policy.

## **5. Physical or verbal aggression**

The Governing Body will not tolerate ANY form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- bar the individual from entering the school site, with immediate effect.
- request an Anti-Social Behaviour Order (ASBO).
- take legal advice on pursuing a case under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

## **6. Right of Appeal**

All persons who are notified by the school that they are being dealt with under this procedure have the right to appeal. Appeals must be addressed to the Chair of Governors under confidential cover, care of the school. The Chair of Governors will consider each appeal on its merits, consulting with the Headteacher as appropriate. The outcome of the appeal should be notified to the appellant and copied to the Headteacher within 10 working days of receipt.

**Appendix B**

**St Herbert's RC Primary School: Formal Complaint Form**

Please complete this form and return it to the school office or to the Headteacher who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Relationship with school (e.g. parent of a pupil on the school roll):

.....

Pupil's name (if relevant to your complaint):

.....

Your Address:

Telephone numbers

Daytime:

Evening:

E-mail address:

Please give concise details of your complaint, (including dates, names of witnesses etc...), to allow the matter to be fully investigated:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

What action, if any, have you already taken to try to resolve your complaint? (i.e. who have you spoken with or written to and what was the outcome?)

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

**School use:**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:			
Date:			

## Appendix C

### St Herbert's RC Primary School: Complaint Review Request Form

Please complete this form and return it to Clerk to the governing body, for the attention of the Chair, who will acknowledge its receipt and inform you of the next stage in the procedure.

Your name: .....

Your Address:

Telephone numbers:

Daytime:

Evening:

E-mail address:

Dear Sir

I submitted a formal complaint to the school on ..... and am dissatisfied by the procedure that has been followed.

My complaint was submitted to ..... and I received a response from ..... on .....

I have attached copies of my formal complaint and of the response(s) from the school.

I am dissatisfied with the way in which the procedure was carried out, because:

You may continue on separate paper, or attach additional documents, if you wish.

Number of Additional pages attached =

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

**School use**

Date Form received:

Received by:

Date acknowledgement sent:

Acknowledgement sent by:

Request referred to:			
Date:			