

St. Mark's Catholic Primary School



Complaints Policy and Procedure

Guidance for Parents and Carers

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Introduction

St. Mark's Catholic Primary School is dedicated to providing the best possible education and support for all its pupils. This means having a clear, fair, and efficient procedure for dealing with any complaints against the school, so that any issues that arise can be dealt with as swiftly and effectively as possible, we value all comments about our school

The main aims of this policy and procedure are:

- To recognise the importance and value of feedback.
- To provide you with a clear way of contacting us and tell you when you will receive a response.
- To use your feedback to understand what is causing the problem and where necessary learn from the issue to prevent the same thing happening again.

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 complaint's procedure. St. Mark's Catholic Primary School 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, Sue Bradshaw, Headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, Sue Bradshaw, Headteacher 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.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, St. Mark's Catholic Primary School will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure

Who can complain?

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions).

Standards

When you make a complaint, these are the standards that you can expect from us:

- An acknowledgement of your complaint within 5 school days.
- A response to any complaint with a full explanation within the timescales outlined for each stage of the process identified below.

- Contact from us if the response is going to take longer, explain why and give details of expected timescales.
- Handle and process your information in accordance with the Data Protection Act and School's Information Security Policy.
- Apologise if we have made a mistake.
- Provide a contact name and telephone number if you wish to contact us again.
- Be fair and honest.
- Treat you with dignity, respect and courtesy.

When you make a complaint, these are the standards that we expect of you:

- To treat all of our staff with respect. If you do not, we will refuse to deal with your enquiry until your behaviour is acceptable.
- To provide us with all of the information that we need to investigate and respond to your complaint.
- To tell us what you would like us to do to resolve your complaint.

Please note that where the complaint is made jointly by a number of people, it is expected that a nominee/representative speaks on behalf of all complainants

What is not covered by this policy and procedure?

There are certain matters that we do not deal with through the complaints processes and stages in this procedure. These are:

- Something that a complainant knew about more than 12 months before it was raised with us.
- Complaints that have previously been dealt with through all stages of the complaints procedure identified in this policy.
- Requests for information under the Freedom of Information Act (2000) or the General Data Protection Regulation (2018)
- Admissions to school
- Statutory Educational Needs
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation
- Exclusion of children from school
- Whistleblowing
- Staff grievance or disciplinary procedures; these matters should be dealt with through the relevant HR procedures
- Complaints about service providers who may use school premises or facilities

These issues can still be referred to the school, however, will be addressed under the relevant statutory guidance.

- Complaints in relation to the following issues should be made to the Local Authority:

- The provision of religious education and collective worship (with the exception of church aided schools).
- School admission appeals.
- Exclusions.
- Special educational needs assessments.
- Child protection issues and allegations of child abuse.

These are specifically concerns about areas where the authority has a statutory duty. Complaints relating to these issues should be referred to:

Customer Liaison Team
Knowsley Metropolitan Borough Council
Archway Road
Huyton
L36 9UX

Tel: 0151 443 3231

Web: <https://secured.knowsley.gov.uk/haveyoursayform>

A complaint about community facilities or services provided by any third party through the school premises or using school facilities should be addressed to the third-party provider who will have their own complaints procedure. Copies of the complaint's procedure for any third-party provider are available directly from the provider.

The Governing Body will monitor the level and nature of complaints and review the outcomes on a termly and annual basis to ensure the effectiveness of the procedure and make changes where necessary. The monitoring and review of complaints by the school and the Governing Body are seen as useful tools in evaluating a school's performance. Please note that information shared with the Governing Body about complaints will be anonymised.

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.

Resolving complaints

At each stage in the procedure, St. Mark's Catholic Primary School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- 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.

Withdrawal of a Complaint

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

Complaints Procedure

St. Mark's Catholic Primary School respects the views of any complainant and if you express a difficulty in discussing the complaint with a particular member of staff the complaints coordinator will refer the complaint to another member of staff if required.

Where the concern involves any child protection issue, the Head teacher will inform the Local Authority Designated Officer (LADO) and social care team.

Complaints can be made formally in a number of ways; these are detailed in stage 1.

If you have difficulty expressing yourself in writing, the school will be able to tell you where you can get independent assistance to support your complaint.

The stages in the complaints process are shown below:

Informal Stage: Complaint Reviewed Directly with the Relevant Teacher

The vast majority of concerns can be resolved informally; there are many occasions where the appropriate teacher, member of office staff, or the Head teacher, can resolve concerns straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage and it is important to us that you (the complainant) feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing in the first instance.

Stage 1

Formal complaints must be made to the headteacher (unless they are about the headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

The headteacher may consider whether a face to face meeting is required to clarify the detail of the complaint and what outcomes the complaint requires to resolve the complaint.

Note: The headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the headteacher (or investigator) will:

If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish would keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the headteacher will provide a formal written response within 10 school days of the date of receipt of the complaint. If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date of another 10 school days in exceptional circumstances a new time scale can be negotiated with the complainant.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions St. Mark's Catholic Primary School will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the headteacher or member of the governing body must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaint's procedure.

A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 10 school days of receipt of the Stage 1 response. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from St. Mark's Catholic Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaint procedure. Complainants will be advised that any staff conduct complaints will be

considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 10 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

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

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and St. Mark's Catholic Primary School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the School.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent governors.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions St. Mark's Catholic Primary School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Next Steps

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by St. Mark's Catholic Primary School. They will consider whether St. Mark's Catholic Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD.

Unreasonable Complainants

St. Mark's Catholic Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behavior and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

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

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

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaint's procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email
- and by telephone while the complaint is being dealt with.

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

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

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from school premises.

