

St Mary's C of E Primary School

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COMPLAINTS: POLICY AND PROCEDURE

2022

VISION

At St Mary's, inspired by Christian values, we are excited by our learning, proud of our achievements, determined to be the best we can be and caring of all of God's creation'.

VISION IN CHILD SPEAK

Inspired by Christian values, I am excited about my learning, proud of my achievements, determined to be the best I can be and caring of all of God's creation.

MISSION

- Through excellent teaching we will deliver an inspirational curriculum
- We will enable every child to make the very best progress
- We will work in partnership with children and families to further promote confidence and self esteem
- We will prepare children to confidently face the challenges of growing up in the 21st Century
- We will provide children with an understanding of local, national and global communities and faiths
- With St Mary's Church, Brookside Methodist, and other local churches we will further develop understanding of gospel values in action through worship and across the curriculum

Safeguarding Statement of Intent

St Mary's Church of England Primary School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. Every pupil should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm to their mental or physical health or development. This is the responsibility of every adult employed by or invited to deliver services at to the school. We recognise our responsibility to safeguard and promote the welfare of all our pupils by protecting them from physical, sexual or emotional abuse, neglect and bullying. St Mary's Church of England Primary School is committed to safeguarding and promoting the welfare of children and young people through rigorous application of Safer Recruitment processes. All applications for staff positions in the school are thoroughly vetted in accordance with policy. DBS checks are undertaken for all staff and for volunteers who work on a regular basis in school.

Approved by:	Full Governing Body	Date: Nov 2022
Last reviewed on:	Nov 2021	
Next review due by:	Nov 2023	

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1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

These aims help the school to meet its commitment to Christian values.

2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE), including the model procedure, and model procedure for dealing with unreasonable complaints.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

3.1 Definitions

The DfE guidance explains the difference between a concern and a complaint:

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

3.2 Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with special educational needs (SEN) about the school's support are within the scope of this policy. Such complaints should first be made to the headteacher; they will then be referred to this complaints policy. Our SEN policy includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect and in adherence with the school's values
- Do not publish details about the complaint on social media
- Keep the details of the complaint confidential so they are not discussed outside of the processes set out in this policy.

4.2 The investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely

- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions. If the investigator is the headteacher or the chair of governors (as set out in stage 1), this will be done impartially

4.3 Clerk

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.4 Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

5.2 Complaints about our fulfilment of early years requirements

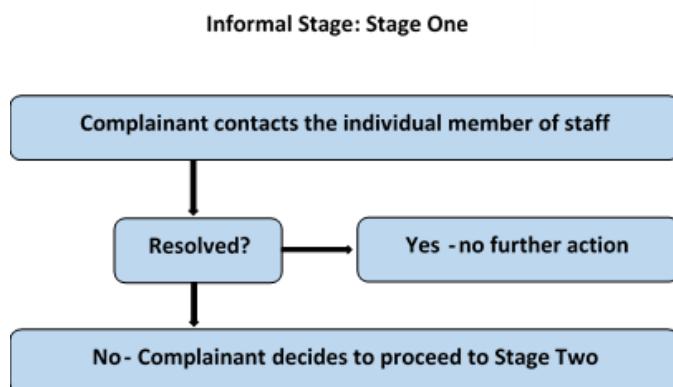
We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6. Stages of complaint

6.1 Stage 1: informal



The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the informal complaint or concern as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office either by phone on 02084495856 or by email office@stmarysen4.barnetmail.net

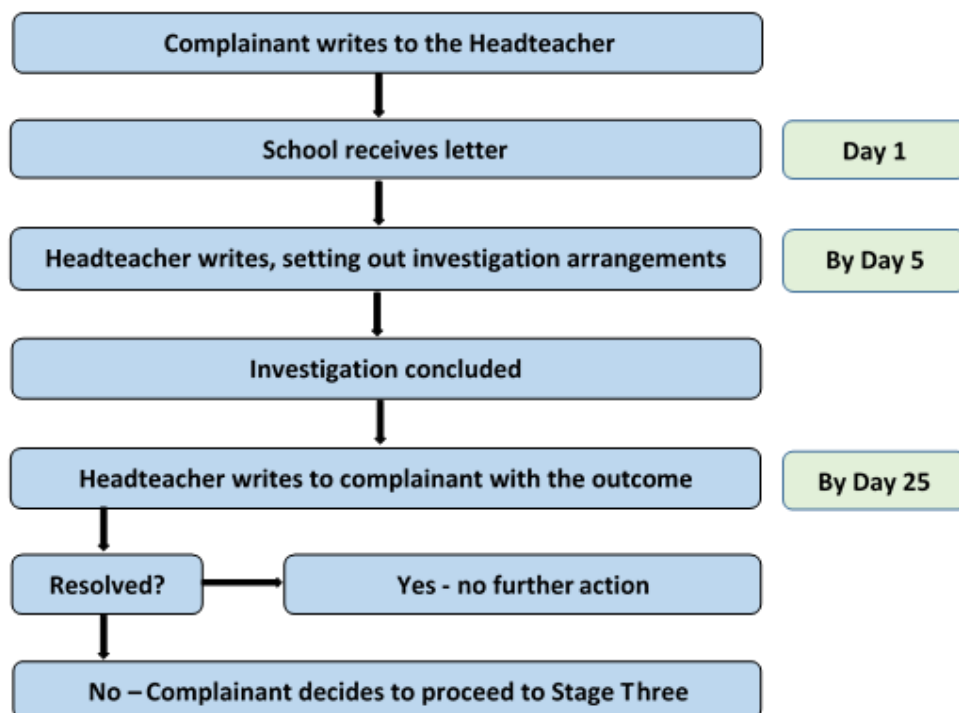
In the event of day-by-day need to communicate, or deal with concerns or complaints, parents and carers are invited to speak with: -

- CLASS TEACHERS REGARDING: routines, learning, absences, and relationships.
Teachers will be happy to talk briefly before 8.50 or after school on any day except Wednesday when all staff attend staff meetings.
All teachers will be happy to make longer appointments should one be needed.
- SECRETARY/CLERICAL ASSISTANT REGARDING: uniform, medication, and absences, dinner money, folders, appointments, and general queries.
- SENCO REGARDING: special educational needs.
- DEUTY HEADTEACHERS: Curriculum, behaviour or learning
- HEADTEACHER:

We are very committed to addressing concerns and complaints as quickly as possible, and to keeping those with concerns notified. However, there are matters about which the school and governing body is unable to disclose information, and it may be necessary on occasions in the interests of confidentiality, to inform parents and carers of this.

6.2 Stage 2: formal

Formal Stage Stage Two - where the complaint is about a member of staff (other than the Headteacher)



a) If the complainant is not satisfied with the response from the member of staff at stage 1 or if the complaint is of a serious nature, the complainant should be advised that the next stage is to ask to speak to the headteacher. The majority of concerns will be resolved at this stage. They may also put their complaint in writing to the headteacher, including details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.

b) Where the head teacher is the subject of the complaint then section 6.2.2 of this procedure applies. The head teacher will be responsible for carrying out an investigation or appointing another senior member of staff to carry out the investigation and report their findings to the head teacher who will then reach a conclusion based on the investigation. The person appointed as the investigating member of staff should keep notes of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint, the investigating member of staff may feel it necessary to meet with the complainant first. It is good practice to supply interviewees with the notes and ask them to sign the notes for accuracy.

c) At the conclusion of the investigation the investigating member of staff will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the head teacher.

d) The head teacher should write to the complainant within 5 school days of receipt of their letter, setting out who is conducting the investigation and that the head teacher will write again to the complainant within a further 20 school days setting out the actions taken to investigate the complaint and their findings. However, the investigation period for a more complex complaint could be longer than 20 days. The complainant will be advised if this is the case.

e) Before the investigating member of staff interviews a member/s of staff, they must be informed that they can be accompanied by a colleague or representative of a recognised union or professional association.

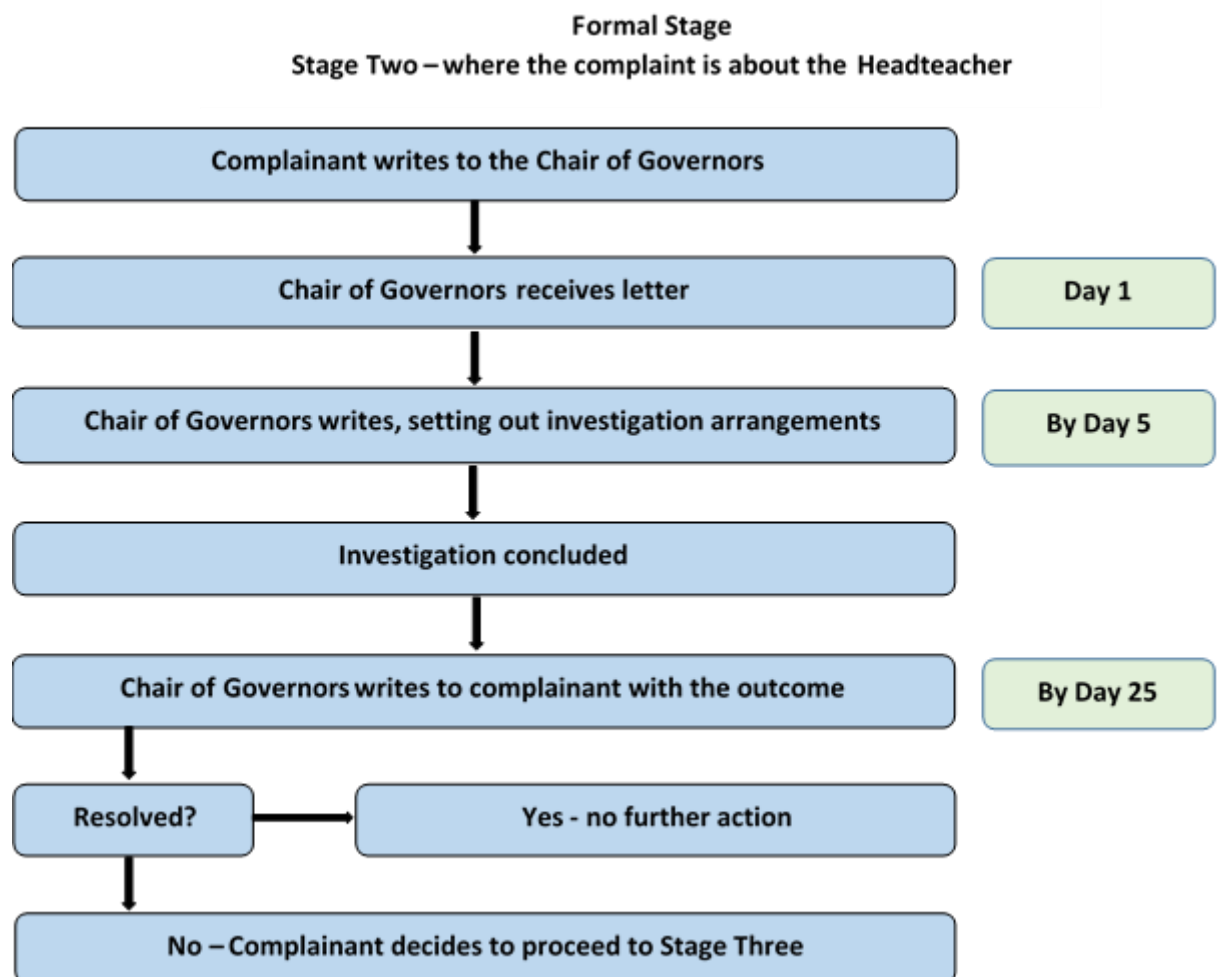
f) Once satisfied that the investigation has been concluded and a decision on the complaint has been reached the head teacher will notify the complainant in writing of the conclusion and decision made. The complainant will be informed of any action that will be taken as a result of the complaint except where this would be a breach confidentiality e.g. taking any formal action against individual members of staff which would remain confidential. This letter of notification of the outcome should generally be done no later than 20 school days. The head teacher may feel it appropriate to meet with the complainant to communicate the findings in person; in this event the decision should also be confirmed in writing.

g) The outcome of the investigation would usually be one of the following but not limited to:

- The evidence indicates that the complaint was substantiated and therefore upheld;
- The complaint was substantiated in part and the part upheld and identified only is upheld;
- There is insufficient evidence to reach a conclusion so the complaint is inconclusive and not proven;
- The complaint is not substantiated by the evidence and therefore not upheld;

- h) In the outcome letter the complainant will also be informed that if they are not satisfied with the outcome of the investigation, they may request that the Governors Complaints Review Panel review the process followed by the head teacher in handling the complaint.
- i) The complainant must be advised in writing of exactly who to contact and the timescale by which they should make contact, should they wish to pursue the matter to stage 3 – the Complaints Review Panel. This stage is set out below.
- j) This request must be made in writing to the school office, for the attention of the clerk to the governing body within 10 school days of receiving the outcome from the head teacher and must include a statement specifying reasons for the request for the review and any perceived failures arising from the outcome of the investigation.

6.2.2 Where the complaint is about the actions of the Head teacher



- i) Stage one - Local resolution of the problem (the informal stage): In the vast majority of cases a problem can and should be resolved by speaking to the head teacher directly in an effort to resolve the problem or concern.

The initial communication with the head teacher may be by letter, telephone conversation, in person or by appointment. Where this action does not lead to the problem being resolved then the complaint should be dealt with through the formal stage of this procedure.

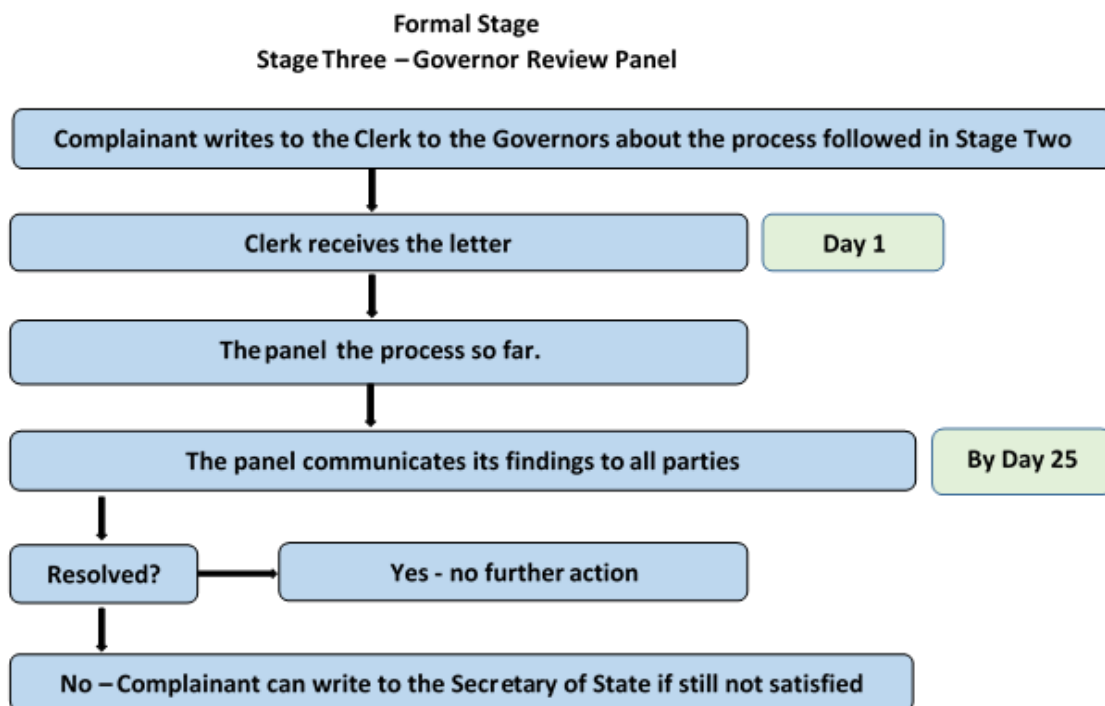
- ii) Stage two – The formal stage (where the complaint is about the actions of the head teacher)
- a) If the complainant is not satisfied with the response from the head teacher at stage 1 they should be advised that the next stage is to put their complaint in writing to the Chair of Governors, who can be reached via the school office. The name of the current Chair of Governors can be found on the website.
- b) The Chair of Governors will be responsible for carrying out an investigation (or appointing another governor to carry out the investigation, who will report their findings to the Chair of Governors) The investigating governor will then reach a conclusion based on the investigation. Notes should be kept of any interviews held as part of the investigation. In order to clarify the specific details of the complaint, the nature of the complaint and any background to the complaint the investigating governor may feel it necessary to meet with the complainant.

The investigating governor should produce notes of this interview.

- At the conclusion of their investigation the investigating governor will compile a report detailing their findings and any recommendations or actions they propose need to be considered by the Chair of Governors.
 - When writing the initial letter to the Chair of Governors the complainant should seek to include details that might assist the investigation, such as witnesses, dates and times of events and copies of relevant documents.
 - The Chair of Governors should write to the complainant within 5 school days of receipt of their letter, setting out who is conducting the investigation and that they or an investigating governor will write to the complainant within a further 20 school days setting out the actions taken to investigate the complaint and their findings. However, the investigation period for a more complex complaint could be longer than 20 days. The complainant should be advised if this is the case.
 - Before the investigating governor interviews a member/s of staff, they must be informed that they may be accompanied by a colleague or representative of a recognised union or professional association.
 - Once satisfied that the investigation has been concluded and they have reached a decision on the complaint the Chair of Governors will notify the complainant in writing of their conclusions and any actions that will be taken as a result of the complaint (except where this would involve taking any formal action against individual members of staff which would remain confidential). This should be done no later than 20 school days as set out in paragraph 5.5 above. The Chair of Governors may feel it appropriate to meet with the complainant to communicate their findings.
 - The outcome of the investigation would usually be one of the following but not limited to:
 - The evidence indicates that the complaint was substantiated and therefore upheld;
 - The complaint was substantiated in part or in full (some details would be given of the actions the school will take in response to the complaint except where they may be of a disciplinary or other such nature relating to an individual member of staff);
 - There is insufficient evidence to reach a conclusion so the complaint is inconclusive;
 - The complaint is not substantiated by the evidence and therefore not upheld;
- c) At this stage the complainant will be told that consideration of the complaint by the Chair of Governors is now concluded. The complainant will also be informed that if they are not satisfied with the manner in which the process has been followed, they may request that the Governors Complaints Review Panel review the process followed by the Chair of Governors in handling the complaint. This stage is outlined in paragraph six below.
- d) The complainant must be advised in writing of exactly who to contact and the timescale by which they should make contact, should they wish to pursue the matter to stage 3 – the Complaints Review Panel. This stage is set out below in paragraph 6.

- e) This request must be made in writing to the nominated clerk to the governing body within 10 school days of receiving the outcome from the chair of governors and must include a statement specifying reasons for the request for the review and any perceived failures arising from the investigation process followed.

6.3 Stage 3: submit the complaint to the review panel



Convening the panel

Following Stage 2, the complainant has the right to request the convening of a review panel.

The Review Panel's purpose, in each case, is to review (not to re-investigate) the original complaint and the school's response to it, including its investigation and the outcome. The Review Panel's role is not to undertake a re-investigation of the case, nor to extend its reference beyond the above matters.

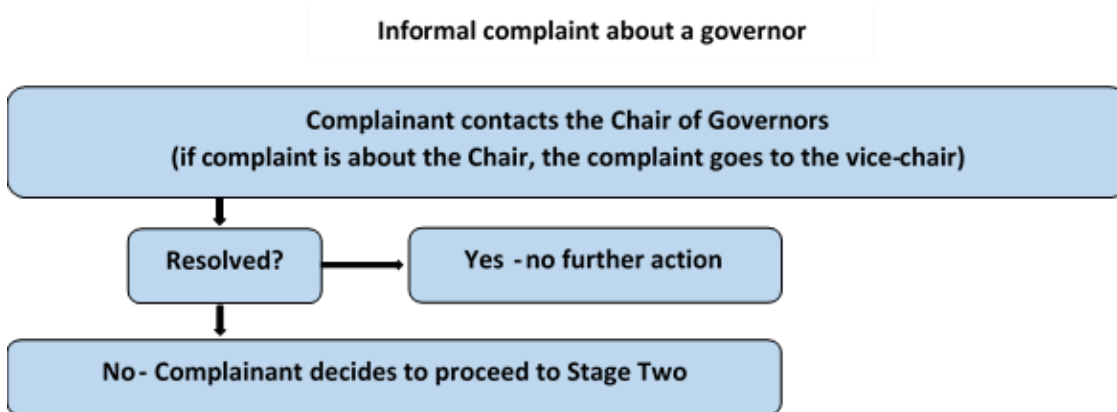
The role of the stage 3 Review Panel is to review the actions and supporting evidence of the stage 2 investigation. The Panel is not permitted to do the following:

- To re-investigate the complaint; to reach a definite view on a point of law;
 - To criticise the complainant for any "contributory negligence" that may have contributed to the difficulties;
 - To be an alternative to a disciplinary hearing, as far as staff are concerned;
 - To hear any new complaints (except if it relates to the length of time taken to deal with the substantive complaint)
- a. Any review of the process followed by the head teacher, chair of governors or the investigating governor shall be led by a panel of at least three members of the governing body appointed to be the Review Panel.
 - b. The review will normally be conducted through a consideration of written evidence but any requests received to make an oral representation will be considered by the panel.
 - c. The panel will consider the letter from the complainant (outlined in paragraph 5.11 above) and if needed request that the complainant submit in writing (within a reasonable timescale) any further information needed by them relating to their *reasons for requesting a review and any perceived failures arising from the investigation process followed*. The head teacher or investigating governor will be invited to make a written response to the complainant's submissions.
 - d. The decision maker should provide the panel with all records, notes or information considered during the investigation (unless prevented from doing so for reasons such as data protection).
 - e. The panel should communicate its findings to the complainant, head teacher and chair of governors within 25 school days of receipt by the clerk of the complainant's letter requesting a review.
 - f. If the complainant is still not happy at this stage they should be informed that they can appeal to the Secretary of State for Education (or any other relevant body appointed to hear parental complaints against schools as set out in Regulations or Acts of Parliament) on the following grounds:
 - i. The governing body is acting or proposing to act unreasonably;

- ii. The governing body has failed to discharge its legal duties as set out in Regulations or Acts of Parliament.

7. Complaints against a governor or the governing board

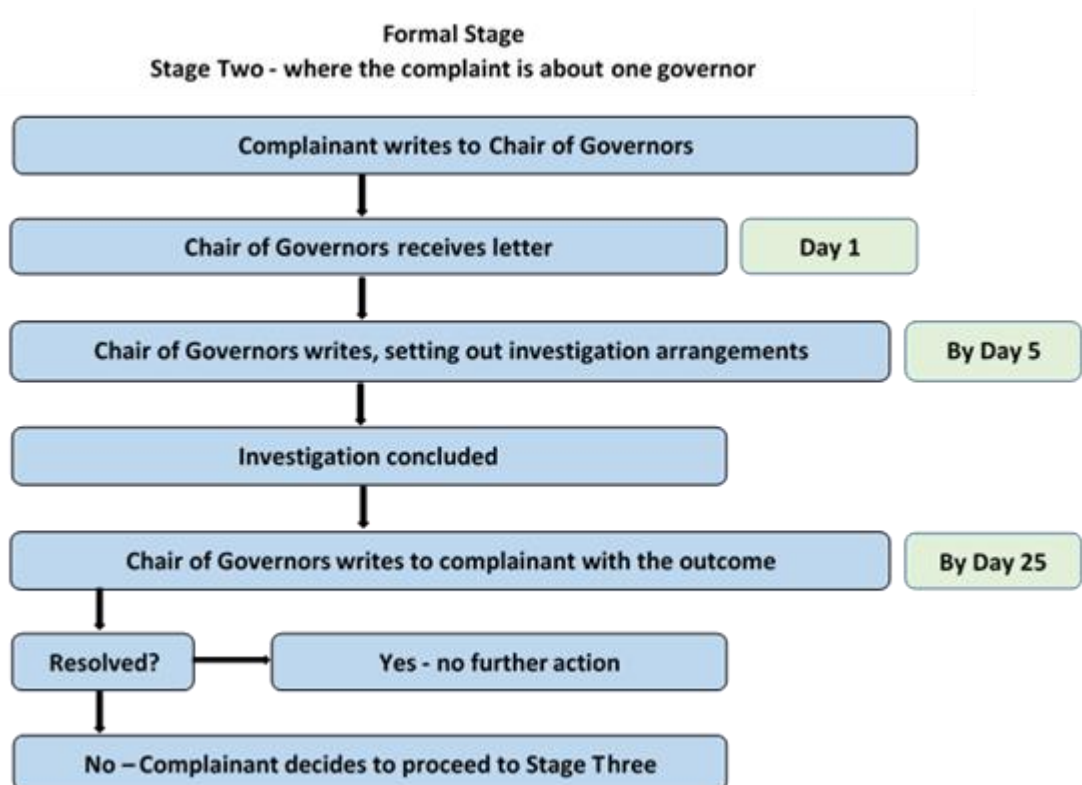
7.1 Stage 1: informal

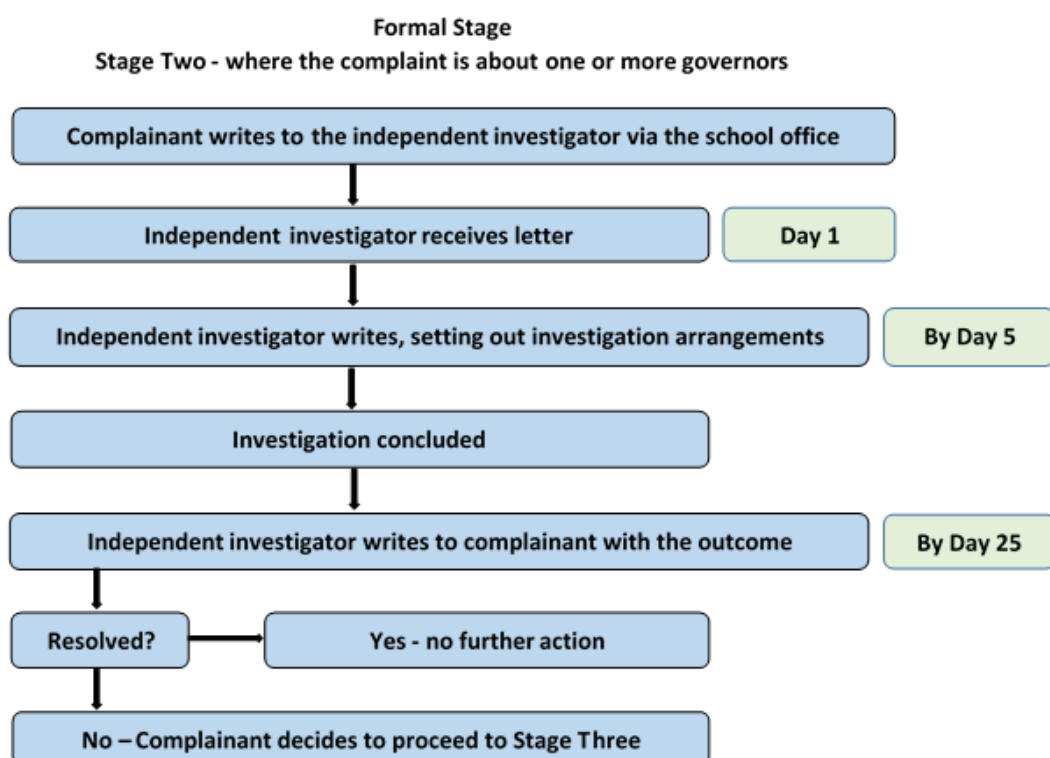


Complaints made against any member of the governing body (apart from the Chair of Governors) should be directed to the chair of governors in the first instance.

If the complaint is about the Chair or Governors, this should be directed to the vice-chair who will carry out the steps at stage 1 (set out in section 6 above).

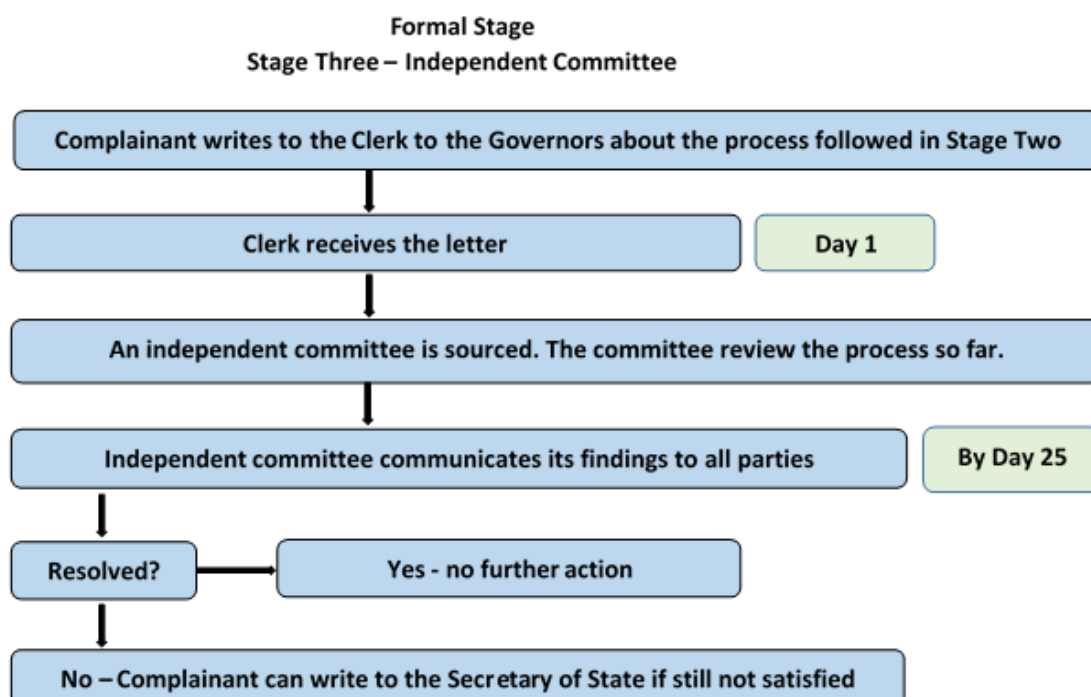
7.2 Stage 2: formal





If the complaint is jointly about the chair and vice-chair, the entire governing board or the majority of the governing body, an independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the governing body or diocese, and will write a formal response at the end of their investigation.

7.3 Stage 3: review panel



If the complaint is jointly about the chair and vice-chair, the entire governing body or the majority of the governing body, a committee of independent governors will hear the complaint. They will be sourced from local schools, the local authority or diocese and will carry out the steps at stage 3 (set out in section 6 above).

8. Referring complaints on completion of the school's procedure

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE.

The DfE will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

9. Persistent complaints

9.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Knowingly provides false information
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Changes the basis of the complaint as the investigation goes on
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

Steps we will take

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

9.2 Duplicate complaints

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

9.3 Complaint campaigns

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

10. Record keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, and our privacy notices.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing body in case a review panel needs to be organised at a later point.

Where the governing body is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

11. Learning lessons

The governing body will review any underlying issues raised by complaints with the [headteacher/senior leadership team, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

12. Monitoring arrangements

The governing body, through the strategy committee, will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. Once any complaints are resolved, the governing body will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the senior leadership team.

This policy will be reviewed by the full governing body every 2 to 3 years.

At each review, the policy will be approved by the full governing body.

13. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices