

## **Concern and Complaints Procedure St Mary's CEP School, Hawkshaw**

**Endorsed:**

**March 2018**

**Review date:**

**March 2021**

# St Mary's CEP School

## Concerns and Complaints Procedure

### Introduction

St Mary's 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 to or against the school, so that any issues that arise can be dealt with as swiftly and effectively as possible.

All school staff will be made aware of complaints procedures and expected to review this document regularly in order that they are familiar with our process of dealing with complaints and can be of the most assistance when an issue is brought to their attention.

For the purpose of this procedure a concern is defined as 'an expression of worry or doubt' for which reassurance is sought. A 'complaint' is defined as 'an expression of dissatisfaction' which can be regarding actions taken or a perceived lack of action.

This document explains the procedure, and the steps that it outlines should be referred to and followed by all pupils, their parents and others whenever an issue arises that causes them concern.

### **This document does not apply to complaints about:**

- *Pupil admissions*
- *Pupil exclusions*

Each of these follows its own process of complaints and appeals which are outlined in their relevant policies.

If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the school may immediately refer the case to the Local Authority Designated Officer. If it is decided that there is cause for an official investigation, the decisions by these authorities will supersede those made by the school and outlined in this document. Where the complaint relates to a safeguarding referral made by a member of staff at the school, any consideration of that complaint by the school will be limited to a review of the reasonableness of the decision to make the referral in light of the evidence available to the member of staff at that time and in light of the school's safeguarding policies.

For more information on our school's provision for protecting our pupils, read our **child protection and safeguarding policy**, and the **allegations of abuse against staff policy**.

Anonymous complaints will not be examined under this document.

To follow this procedure your child must be on roll at St Mary's CEP School.

### **1.1 When an issue or concern first arises**

If you have a concern that you would like to take up with the school you should initially inform a member of the teaching staff. You may then be invited to an informal meeting with the member of staff most appropriate for dealing with your concern. Complaints must be raised with a teacher within 20 school days of the initial concern.

We encourage parents to approach the teaching staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding.

A written explanation of your concern will need to be given to the staff member that you speak to, so that it is easy to see – when complaints are taken further or referred back to in the future – what the initial problem was.

**If your complaint is about a member of staff**, you should first raise this with the Headteacher either in person or in writing, and a meeting can be arranged with the Headteacher to discuss the issue at hand. You must provide a written account of your concerns at this meeting.

**If your complaint is about the Headteacher**, you should raise your concern in writing with the Chair of Governors.

**If your complaint is about a Governor**, you should raise your concern in writing with the Clerk to the Governing Body.

Any Governor will refer complaints that are taken straight to them back to the appropriate member of staff unless one of the above exceptions applies.

### **1.2 Initial informal meeting**

Once a concern has been raised you may be invited to attend an informal meeting to discuss your concerns. You must bring your written account of your concerns to this meeting.

You are welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent to this meeting. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

Staff have a responsibility to ensure that you understand any future points of action that have been agreed upon in this meeting and should make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed. This record will be signed by all present.

All staff will do their best to ensure that your concerns are dealt with appropriately and efficiently but if you cannot come to an agreement, or are dissatisfied with the outcome of your meeting, you can make a formal complaint in writing to the Headteacher using the School Complaint Form (Appendix 1)

## **2. Formal complaints**

In order to ensure that complaints are processed efficiently and effectively, St Mary's deals with formal complaints in three stages:

### ***Stage 1***

If you do not feel that your concern has been dealt with, or you are not satisfied with the outcome of your informal meeting or feel that the issue is serious enough that it warrants it, you can make a formal complaint in writing to the Headteacher using the School Complaint Form (Appendix 1). All sections of this form must be completed to ensure we have all the information required to complete a thorough investigation and to consider how the complaint can be resolved. The Headteacher will not accept or respond to a complaint unless it is written on the School Complaint Form (Appendix 1).

The Headteacher should acknowledge your complaint in writing within 5 school days. He/she may already be aware of the situation. The Headteacher will outline any action to be taken as a result of your complaint.

The Headteacher will invite you to a meeting to discuss the issue outcome, possible solutions, or to explain what has or will happen as a result of your complaint.

The Headteacher will keep a record of all interactions with you and other staff, meetings and decisions made in reference to your complaint. This record will be kept confidentially by the school but will be available at each stage of the Complaint Procedure and where appropriate, by the Secretary of State or any inspection body.

If the complaint is against a member of staff, the Headteacher will talk to that employee. If it is an allegation of abuse, a formal investigation may be instigated by the school with the support of the Local Authority Designated Officer.

The Headteacher will respond to you in writing within 20 school days outlining their response to your concern, and any action that has or will be taken. If they have decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline your right to take the matter further and the steps to be taken.

If, having received the written response from the Headteacher, you are dissatisfied with the outcome of your complaint; you may decide to take your complaint to Stage 2.

## **Stage 2**

The complaint must be in writing using the Stage 2 Complaint Form (Appendix 2) and sent to school in a sealed envelope addressed to the Chair of Governors. You should include a copy of your Appendix 1 original Complaints Form, original evidence, and any written response from school.

The Chair of Governors will respond to you in writing within 5 school days to acknowledge receipt of your Stage 2 complaint via the school. The Chair of Governors will outline their response to your concern, and any action that has or will be taken within 20 school days. This may take the form of a meeting and a letter. If they have decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline your right of appeal and how you can start your appeal.

## **3. Appeals**

### **Stage 3:**

If you would like to lodge an appeal following the outcome of a formal complaint at stage 2, this will be taken to the appeals panel. You should write to the Clerk to the Governing Body using Formal School Complaint Form Stage 3 (Appendix 3) to exercise this right within 5 school days of the outcome at Stage 2. If no request for an appeals panel hearing is received within 5 school days it will be deemed that the decision is accepted and the complaint will be closed.

If an appeals panel is requested, the Clerk to Governors will acknowledge your appeal and make the necessary arrangements, and will usually convene the appeals panel within 10 school days from the acknowledgement being received. The school will take reasonable steps to agree a time and date mutually convenient to all parties within the above timescale.

The Clerk will ensure that all parties to the appeal have access to the original documentation and set out a timetable to support the collation and circulation of documents.

You, and the Headteacher, will be entitled to be accompanied by one named person to the appeals panel hearing and both should notify the Clerk 2 days in advance if you intend to be accompanied. The appeal will take place in St Mary's CEP School out of school hours.

## The Appeals Panel

The Appeals Panel will be made up of between three or five members of the Governing Body.

No person can sit on the appeals panel if they have had any former knowledge or involvement in the case that is being dealt with at that time. The Chair of the panel will be nominated from within the group of panel members. All panel members will be familiar with and have access to the concern and complaints procedure.

## Appeals Procedure

The Appeals Panel will determine the procedure to be followed to ensure that it is best placed to deal with the issues arising from the complaint. The procedure for an appeal is usually as follows:

1. The Panel and Clerk will take up position in the room.
2. The complainant and Headteacher will enter the hearing together along with their supporters.
3. The Chair will introduce the panel members and outline the process.
4. The complainant, referring to Appendix 1, will explain the complaint.
5. The Headteacher will explain the school's actions.
6. The panel will question the headteacher and complainant.
7. The complainant will sum up their complaint.
8. The Headteacher will sum up the school's actions.
9. The Chair will explain that both parties will hear from the panel within 15 working days.
10. Both parties will leave together while the panel decides.
11. The Clerk will stay to assist the panel with its decision making.

**Note:** *There may be some situations where it is best to amend the above procedure so that the panel can hear from the school and complainant separately.*

The Chair of the panel/Clerk to Governors will notify the complainant and Headteacher of the panel's decision in writing within 15 school days of the appeal hearing. The letter will set out the decision of the panel together with the reasons underpinning that decision.

## The Appeals Panel may:

- dismiss all or part of the complaint
- uphold all or part of the complaint
- decide on the appropriate action to be taken to resolve the complaint
- evaluate all the evidence available and recommend changes to the school's systems or procedures as a preventative step against similar problems arising in the future

An elected member of the Appeal Panel will share the decision of the panel with the full governing body.

The panel's decision is final. If you are unhappy with the outcome, you may wish to put your complaint to the Secretary of State. Complaints can be submitted online at <https://www.gov.uk/complain-about-school> within 20 school days from receiving the panel's decision.

#### **4. Unreasonable Complaints**

St Mary's CEP 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 behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

St Mary's CEP 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 complaints 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 complaints procedure has been fully and properly implemented and completed including referral to the Secretary of State.
- 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:

- Malicious
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information, websites and newspapers

Complainants should limit the number 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 Headteacher or Chair of Governors will contact the complainant before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact St Mary's CEP School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts.

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 St Mary's CEP School premises.

## **5. Vexatious complaints**

Whilst it is hoped that this document will reduce any dissatisfaction with the school, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with the school and the outcomes achieved under the complaints procedure. If the complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State. The Secretary of State will only intervene when they believe that the governing body has acted unlawfully or unreasonably.

Where a complainant attempts to re-open an issue which has already been dealt with under the complaints procedure, the Chair of Governors will contact them to inform them that the matter has already been dealt with and that either that stage of the policy has been exhausted or that the complaints procedure has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious and the school will be under no obligation to respond to that correspondence.

If the school believes that the complainant is continuously contacting the school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school has the right to not respond to the correspondent.

## **6. Governing Body – review and monitoring of complaints**

St Mary’s CEP School will review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more effectively. All the involved staff and governors will be invited to take part in the review.

The governing body will review the complaints procedure every 3 years.

### **Contact details**

School telephone number 01204 88 6167

School address St Mary’s CEP School, Bolton Rd, Hawkshaw, Bury, BL8 4JL

Chair of Governors via the school secretary

Headteacher via the school secretary

Copies of policies via the school secretary or downloaded from website  
[www.stmaryshawkshaw.com](http://www.stmaryshawkshaw.com)

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**Signed by:**

\_\_\_\_\_ **The Chair of Governors** **Date: .....**

\_\_\_\_\_ **Headteacher** **Date: .....**

**Appendix 1**

**St Mary's CEP School**

**Formal School Complaint Form Stage 1**

**Please complete and return this form in a sealed envelope to the Headteacher who will acknowledge receipt within 5 school days and explain what action will be taken.**

**Please keep a copy of this completed form for your records.**

**Your name .....**

**Address .....**

**Telephone .....**

**Email .....**

**Your child's name and year group if relevant to your complaint .....**

**Please give concise details of the complaint to allow the matter to be investigated.**

What is your complaint?

Who does it involve?

When did it happen?

**What action, if any, have you already taken to try to resolve your complaint?**

Which teacher did you speak to?

When?

What was the outcome?

**How do you feel this complaint can be resolved?**

**Please provide evidence to support your complaint. We will only consider evidence that is directly relevant to this complaint. Please keep a copy of the evidence you have submitted.**

**Date :**

**Signature:**

**School Use Only**

**Date form  
received:**

**Received by:**



**Appendix 3**

**St Mary's CEP School**

**Formal School Complaint Form Stage 3**

Please complete and return this form via school to the Clerk to Governing Body in a sealed envelope. Please include a copy of your Formal Complaint Form Stage 1 and 2, copies of the relevant evidence you have already submitted at Stage 1, and the response you received from the Headteacher and the Chair of Governors.

The Clerk will acknowledge receipt within 5 school days and explain what action will be taken.

Please keep a copy of this completed form for your records.

Your name ..... Address .....

Telephone ..... Email .....

Your child's name and year group if relevant to your complaint .....

Please give concise details of why you are referring the complaint to the appeals panel.

Please state the reasons why you were not satisfied with the Chair of Governor's response.

Date :

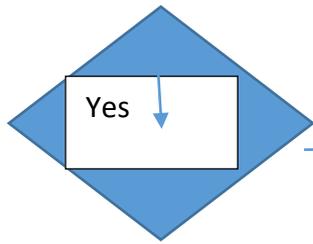
Signature :

**School Use Only**

Date form received:

Received by:

I have a concern, regards my child:



*Informal*

Approach a member of the teaching staff with an outline of my concern in writing.

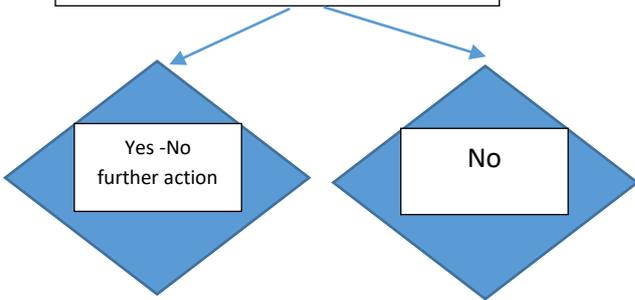
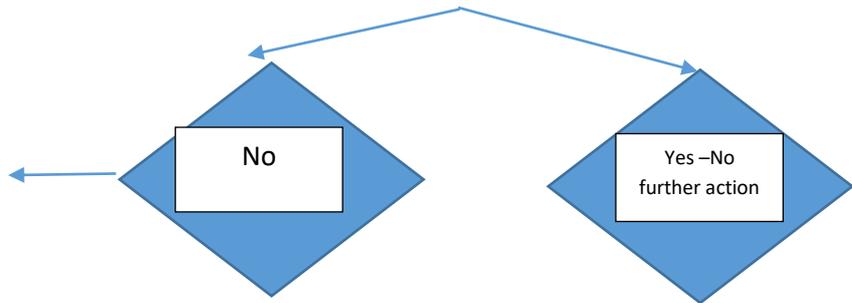
Has my concern been dealt with the teacher?

*Stage 1 Formal*

Write to the Headteacher outlining details of your concern using Appendix 1.

A meeting will be arranged to discuss the complaint.

Has my complaint been dealt with by the Headteacher?

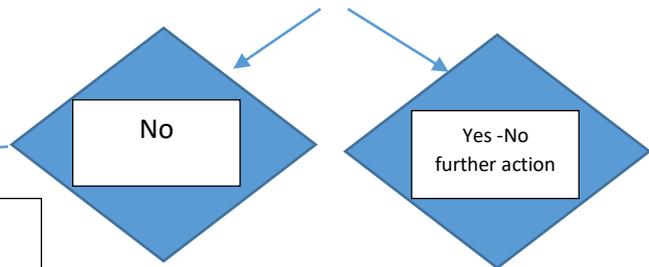


*Stage 2 Formal*

Fully complete Appendix 2

'Formal Complaint Form 2' and send to chair of governors

Has my complaint been dealt with by the Chair of Governors?

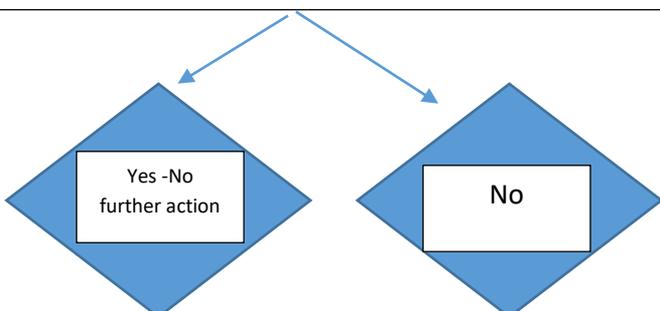


*Stage 3 Formal*

Fully complete Appendix 3

'Formal Complaint Form stage 3' and send to the appeal panel through the clerk to the governors.

Has my complaint been dealt with by the Appeal Panel?



If you are not satisfied, you are within your right to contact the Secretary of State.