

# ST MONICA'S CATHOLIC PRIMARY SCHOOL

## Complaints Procedure



**'Strive to succeed in the presence of God'**

**T**ogether – as a Catholic community

**E**veryone - children, staff, parents, carers and parish

**A**chieves – in their unique way and tries to be

**M**ore – like Jesus

Source of this policy	Westminster Diocese
Date Ratified	14 <sup>th</sup> November 2023
Review date	annually

## Introduction

In a Catholic school, parental/carers' concerns are of particular importance. As the first educators of their children, parents/carers have a duty to take an active interest in their school. "Since parents have given children their life, they are bound by the most serious obligation to educate their offspring." (*Gravissimum Educationis*). To this end, "there must be the closest co-operation between parents/carers and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents/carers and willingly listen to them." (Can.796) In a Catholic school, therefore, dealing with parental/carers' concerns will be an intrinsic part of the school's ethos and mission

No-one likes criticism but an open organisation will always be willing to listen to concerns and anxieties and be ready to learn from them if appropriate. In a school, most concerns are likely to be expressed by the parents or carers of its pupils, though some may come from pupils themselves, former pupils, parishioners, or from other interested parties such as neighbours or users of the premises. It is appropriate for a complaint to be processed from wherever it arises.

Nearly all concerns or questions can be resolved very quickly and informally if parents/carers feel able to voice them as soon as they arise. Obviously, the more information the School gives to them, the less scope there is for misunderstanding. As part of this information, parents/carers should be told that feedback is always welcome and that, therefore, they are warmly encouraged to voice any concerns straightway. In most cases, discussion, explanation, further information – or an apology, if appropriate – will resolve the issue. **Every effort should be made to allay concerns at this level and with the least possible formality. The ideal is that no concern should ever become a formal complaint.**

Occasionally, however, a concern will be too serious to be handled in this way, perhaps needing greater investigation, or the person concerned may not feel that the answers given so far have been acceptable or adequate. In such circumstances, the concern will become a complaint and the formal procedure should be rigorously followed. Even in these cases, every effort should be made to resolve the issue at the lowest possible level of the procedure. It should be very rare indeed that a complaint needs to be addressed by a Complaints Appeals Panel.

It is very important that all Governors and members of staff be familiar with the school complaints procedure, which must be followed closely in all circumstances. Regular training on handling complaints and concerns is provided by the Diocesan Education Service, from whom advice can also be sought if difficulties arise with particular cases.

## Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the School. Any person, including members of the public, may make a complaint to St Monica's about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## **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'*.

St Monica's takes concerns seriously and will make every effort to resolve them as quickly and informally as possible, so that they do not become complaints and the formal stages of the complaints procedure can be avoided.

## **How to raise a concern**

A concern can be made in person, in writing or by telephone. It may also be made by a third party acting on behalf of and with appropriate consent from the person with the concern.

### **Parents' or carers' concerns**

In the first instance, the concern should be raised with the child's class teacher. (If the concern is specifically about the behaviour of the class teacher, it may instead be raised with the appropriate Phase Leader; please see the following paragraph.) The class teacher will, if necessary, seek clarification of the concern and then proceed to investigate. The investigation may involve interviewing children and other staff. When the investigation is complete and the class teacher has established the facts of the case, he/she will make contact with the parents or carers in person, by telephone or by e.mail, as appropriate, to discuss his/her findings and any further action that will be taken. This should be done as soon as practicable, but in any event within five school days of the concern being raised. If it is not possible for the class teacher to complete his/her investigation and reach a decision within that timescale, he/she should still make contact with the parents or carers to explain why it needs to be extended. Notes should be made of any meetings and interviews.

If parents or carers are dissatisfied with the outcome, they may raise their outstanding concerns with the Phase Leader. He/she will investigate further, speaking to the class teacher and, if necessary, to any children or other members of staff connected with the matter. As soon as practicable, but in any event within five school days, he/she will make contact with the parents or carers in person, by telephone or by e.mail, as appropriate, to discuss his/her findings and proposed resolution of the concern. If more time is needed to complete the investigation, he/she will let the parents know. Notes should be made of any meetings and interviews.

## **Concerns raised by persons other than parents or carers**

If you are not a parent or carer of a child at the School, you should initially raise any concern with the School Office Manager. He/she will log the concern and refer it to an appropriate member of staff, who will investigate and respond within five school days.

## **How to make a complaint**

### **Parents' or carers' complaints**

If a concern remains unresolved after having been addressed by a Phase Leader, the next step is to consider whether to make a formal complaint to the Headteacher. Parents/carers should first approach the Headteacher so that he/she can consider whether there is still scope for informal resolution of the concern. If not and if parents/carers wish to make a formal complaint, the Headteacher will invite them to set out details on the form at Annex A. When complete, the form should be marked 'Private and Confidential' and sent to the School Office.

### **Complaints by persons other than parents or carers**

If you are dissatisfied with the response to a concern you have raised, the next step is to make a formal complaint to the Headteacher.

Details of the complaint should be set out on the form at Annex A. When complete, the form should be marked 'Private and Confidential' and sent to the School Office.

### **Complaints about the Headteacher or members of the Governing Body**

Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors. Details should be set out on the form at Annex A. When complete, the form should be marked 'Private and Confidential' and sent to the School Office.

Complaints about any individual Governor (including the Chair or Vice-Chair) or the whole Governing Body should be addressed to the Clerk to the Governing Body. Details should be set out on the form at Annex A. When complete, the form should be marked 'Private and Confidential' and sent to the School Office.

**Complainants should never approach individual Governors to raise concerns or complaints. Governors have no power to act on an individual basis and will be unable to sit on a Complaints Appeal Panel (Stage 2 of the formal procedure) if they have prior knowledge of the relevant complaint.**

In accordance with equality law, we will consider making reasonable adjustments to enable complainants' access to this complaints procedure. These could include providing information in alternative formats, assisting complainants in making a complaint or holding meetings in accessible locations.

## **Anonymous complaints**

We will not normally investigate anonymous complaints. The Headteacher or Chair of Governors may, however, decide that it would be appropriate to investigate such complaints in certain circumstances.

## Timeframes

You must make a complaint within three months of the incident in question or, where there has been a series of associated incidents, within three months of the last. We will consider complaints made outside this timeframe in exceptional circumstances apply.

## Complaints received during school holidays

We will consider complaints to have been received on the first school day after the holiday period.

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by St Monica's, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Whom to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• School re-organisation proposals</li> <li>• Statutory assessments of Special Educational Needs</li> </ul>	<ul style="list-style-type: none"> <li>• Appeals procedure</li> <li>• Governing Body</li> <li>• Enfield local authority</li> </ul>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH)</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the Behaviour Policy can be made through the School's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>

Exceptions	Whom to contact
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.  Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

If other bodies (for example the police, local authority (LA) safeguarding teams or tribunals) are investigating aspects of the complaint, that may limit our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those bodies have completed their investigations.

If a complainant commences legal action against St Monica's in connection with the complaint, we will consider whether to suspend the procedure until those legal proceedings have been concluded.

## Resolving complaints

At the conclusion of each stage in the formal procedure, the School will acknowledge whether 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 matter could have been handled differently or better;
- an assurance that we will try to ensure the incident complained of will not recur;
- an explanation of the steps that have been or will be taken to help avoid a recurrence and an indication of the timescales within which any changes will be made;
- an undertaking to review School policies in light of the complaint; and
- an apology.

## Withdrawal of a complaint

If a complainant wants to withdraw a complaint, we will ask that that be confirmed in writing.

## Handling a complaint - Stage 1

Formal complaints must be made to the Headteacher (unless they involve or are about him/her); please see above how complaints should be submitted.

The Headteacher will record the date on which the complaint is received and will acknowledge receipt in writing (either by letter or email) within two school days. If the complaint is being made by a parent or carer, the Headteacher will check whether the graduated process for raising concerns has been followed properly. If it has not, she/he will usually ask the complainant to seek resolution at the appropriate stage of that process before beginning the formal procedure. There may, however, be circumstances in which the Headteacher will decide that it is appropriate to begin the formal procedure straightway.

If the Headteacher is satisfied that it is appropriate to begin the formal procedure, she/he may use the acknowledgement of receipt to clarify the substance of the complaint and the outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting would be the most effective means of achieving that clarification.

Having clarified the matter, the Headteacher will then begin to investigate 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 the person to whom the investigation has been delegated) will, as necessary:

- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish; and
- keep a written record of any meetings or interviews.

At the conclusion of the investigation and within ten school days of receipt of the complaint (or, if applicable, clarification of the complaint), the Headteacher will provide a formal written response. If this deadline cannot be met, the Headteacher will provide the complainant with an update and revised response date.

The response will summarize the investigation and provide a full explanation of the Headteacher's decision made and the reason(s) for it. Where appropriate, it will include details of any actions the School will take to resolve the matter. It will also advise how to escalate the complaint if the complainant is dissatisfied with the outcome.

If the complaint involves or 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.

If the complaint is:

- about both the Chair and Vice-Chair;
- the entire Governing Body; or
- the majority of the Governing Body

Stage 1 will be undertaken by an independent investigator appointed by the Diocesan Education Service.

## Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, he/she can escalate the complaint to Stage 2, a meeting with a Complaints Appeal Panel. This is the final stage of the formal complaints procedure.

A request to escalate to Stage 2 must be made to the Clerk to the Governing Body, via the School Office, within twenty school days of receipt of the Stage 1 response.

The Clerk will record the date on which the complaint is received and acknowledge receipt in writing (either by letter or email) within two school days. Requests received outside this time frame will only be considered if exceptional circumstances apply.

The Clerk can liaise with the Chair of Governors on handling of a Stage 2 complaint, unless the complaint is about a member (or members) of the Governing Body. In such circumstances, the Clerk should liaise with the Diocesan Education Service. A suitably skilled clerk other than the Clerk to the Governing Body can be engaged to manage the Stage 2 process.

A Complaints Appeal Panel should comprise three Governors with no prior knowledge of the complaint or close connection to the complainant. If fewer than three Governors from St Monica's are available, the Clerk will seek additional Governors to serve on the Panel. The LA Governor Services Team and the Diocesan Education Service can be approached to help find suitable Governors.

If the complaint is:

- about both the Chair and Vice Chair;
- the entire Governing body; or
- the majority of the Governing body

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

A member of the Diocesan Education Service may be invited to advise and support the Panel.

The Clerk will aim to convene a meeting within fifteen school days of receipt of the request to escalate to Stage 2. If that is not possible, the Clerk will explain why and keep the complainant informed of the dates which are being considered. As far as possible, the Clerk will liaise with the members of the Panel, the complainant and other concerned parties likely to be invited to attend the meeting, so as to find a mutually convenient date.

If the complainant rejects the offer of three proposed dates without good reason, the Clerk will decide when to hold the meeting. The complainant will be invited to make a written submission in advance of the meeting.

Before the meeting, the Panel members will decide who will chair the meeting. It will also decide whether to invite the complainant and other parties to attend the meeting or to request written submissions. In making this decision, the Panel will be sensitive to any special needs the complainant may have.

The complainant may bring someone to provide support at the meeting. This can be a relative or friend. The complainant and other parties attending the meeting are discouraged from bringing legal representatives, unless there are exceptional circumstances in which that would be appropriate.



**Note: Complaints about staff conduct will not usually be handled under this complaints procedure. Complainants will be advised that such complaints should be considered under staff disciplinary procedures.**

Representatives from the media are not permitted to attend meetings of a Complaints Appeal Panel.

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

- notify the complainant of the date, time and venue of the meeting; and
- request copies of any further written material to be submitted to the Panel at least three school days before the meeting.

Any written material submitted will be circulated to all parties at least three school days before the date of the meeting.

The Panel will not normally accept evidence in the form of recordings of conversations obtained covertly and without the informed consent of all parties being recorded.

The Panel will not consider any new complaints made at this stage or any evidence unrelated to the particular complaint referred to the Panel. New complaints must first be dealt with at Stage 1 of the procedure.

If new evidence relevant to the complaint arises in the course of the meeting, the Chair should adjourn the meeting so that all parties have an opportunity to consider it.

The meeting will be held in private. Electronic recordings of Complaints Appeal Panel meetings are not normally permitted unless required because of the complainant's disability or special needs. The consent of all parties attending must be sought before any recording takes place and will be noted in the minutes of the meeting.

Having considered the complaint and all the evidence presented, the Panel can:

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

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

- decide on the appropriate action to be taken to resolve the complaint; and
- where appropriate, recommend changes to the school's systems or procedures to avoid recurrence of the incident(s) that gave rise to the complaint.

The Chair of the Panel will provide the complainant and the Headteacher with a full written explanation of the decision and the reason(s) for it as soon as practicable, but in any event within five school days.

The letter will include details of how to contact the Department for Education if the complainant is dissatisfied with the way in which the complaint has been handled.

## **Next Steps – referral of a complaint to the Secretary of State**

If the complainant remains dissatisfied after completion of Stage 2, he/she has the right to refer the complaint to the Secretary of State.

The Secretary of State has a duty to consider all complaints referred but will intervene only if the Governing Body has acted unlawfully or unreasonably.

The complainant can refer the complaint online at [www.education.gov.uk/contactus](http://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

### **The DfE School Complaints Unit**

The School Complaints Unit (SCU) considers complaints relating to LA-maintained schools in England on behalf of the Secretary of State. It will investigate whether a school's complaints procedure and any other relevant statutory policies were properly followed and whether they are in conformity with education legislation.

The SCU will not normally investigate the substance of the complaint. It will overturn a decision about a complaint only in exceptional circumstances where it is clear a school has acted unlawfully or unreasonably. If the SCU finds that a complaint has not been handled in accordance with a complaint in accordance with its procedure, they may request that the complaint is looked at again.

## **Roles and Responsibilities**

### **Complainant**

The complainant should :

- co-operate with the school in seeking resolution;
- respond promptly to requests for clarification, other information or meetings;
- ask for assistance as needed;
- treat all those involved in the complaint and its handling with respect; and
- respect confidentiality and refrain from publicizing details of the complaint on social media.

## **Investigator (in cases where the Headteacher has delegated the investigation at Stage 1)**

The investigator's role is to establish the facts by:

- considering the complaint comprehensively and fairly through:
  - sensitive and thorough interviewing of the complainant, where necessary, to establish what has happened, who has been involved and what the complainant feels would resolve the matter;
  - interviewing, as necessary, staff, children and any other people involved in the complaint; and
- careful consideration and analysis of any relevant records or other information.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in questioning;
- keep notes of interviews. (An independent note-taker can be engaged);
- ensure that any papers produced during the investigation are kept securely pending any escalation of the complaint;
- be mindful of the timescales for responding; and
- prepare a comprehensive report for the Headteacher that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## **Clerk to the Stage 2 Complaints Appeal Panel**

The Clerk is the contact point for the complainant and the Panel. He/she should:

- ensure that all involved are aware of their rights and duties under education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);
- set the date, time and venue of the meeting, ensuring, as far as possible, that the time is convenient for all invited parties and that the venue is accessible;
- collate any written material relevant to the complaint (for example paperwork from Stage 1 and submissions from the complainant and other parties) and circulate it in advance of the meeting;
- take minutes of the proceedings;
- circulate the minutes of the meeting; and
- notify all parties of the Panel's decision.

## **Chair of Stage 2 Complaints Panel**

The Chair should ensure that:

- the complainant and other parties are asked by the Clerk to provide any additional information relating to the complaint in advance of the meeting;
- that the procedure is properly followed (with the support of the Diocesan Education Service if requested);

- the meeting is conducted as informally as possible, is not adversarial, and that all parties are treated with respect and courtesy;
- complainants and other parties who may not be used to speaking at such a meeting are put at ease;
- the remit of the Panel is explained to the complainant;
- relevant written material is seen by everyone in attendance, provided this does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR;
- both the complainant and the other parties are given the opportunity to make their case and seek clarification, either through written submissions in advance of the meeting or verbally in the meeting itself;
- the issues are addressed and the facts established;
- the Panel is open-minded and acts independently;
- no member of the Panel has an external interest in the outcome of the proceedings or has had prior involvement with the complaint; and
- the meeting is minuted and the Panel's decision is sent in writing to the complainant and the other parties.

## **Stage 2 Panel member**

Panel members should be aware that:

- the Panel must be independent and impartial, and should be seen to be so. No-one with prior involvement in the complaint should sit on the Panel.
- the meeting's aim is to resolve the complaint and achieve reconciliation between the School and the complainant. That will not always be achievable, and the Panel may be able only to establish the facts and make recommendations; and
- many complainants will feel nervous and inhibited in a formal setting, and parents/carers often become emotional when discussing an issue that affects their child; and

## **Role of the Diocesan Education Service representative**

The representative attends in an advisory capacity only. He/she does not have a vote and does not participate in the Panel's decision-making.

# **General points**

## **Keeping records**

In order to turn complaints to positive effect, it is important that records are kept so that, at regular intervals (perhaps termly), the School's Senior Leadership Team and the Governing Body can reflect on issues that have arisen and on the way in which they have been handled. The Governing Body may also wish to consider informing parents of any changes made to the School's procedures as a result of parental feedback; it need not be specified that the feedback was in the form of a complaint.

## **Confidentiality**

All records of complaints must be kept strictly confidential, except where a legitimate subject access request is made under the Data Protection Act 2018. Complainants are entitled to a copy of the records of a complaint, including notes and outcomes. Records of complaints should be retained for three years following completion of the complaints procedure and then destroyed.

## **Complaints not made in accordance with the procedure**

Sometimes a complainant may be unfamiliar with or unaware of the complaints procedure; he/she may take a complaint straight to governors or to other parties, such as the Diocese or the Local Authority. In every such case, the procedure must be strictly adhered to and the complaint redirected to the appropriate person at the proper stage in the procedure. It is, therefore, important that all members of staff and all Governors are fully aware of the procedure and that it is publicly available. It is particularly important that Governors know that they must not attempt to deal with complaints themselves.

## **Complaint campaigns**

Occasionally schools become the focus of complaint campaigns in which large volumes of identical complaints are received from persons unconnected to the school. If St Monica's is the subject of such a campaign, the Chair of Governors will send a standard response to all complainants or publish it on the school website, depending on the number of complaints received.

## **Complaints to Ofsted**

The Education and Inspections Act 2006, s.160 provides for Ofsted to investigate parents' complaints about a school. A complaint will normally be investigated only if all stages of that school's complaints procedure have been completed, but the Chief Inspector may exercise his/her discretion to waive this requirement.

**Agreed November 2023**

## Complaint Form

[If you require help to complete the form, please let the School Office know. You can also ask seek help from outside organizations like the Citizens Advice Bureau.]

PLEASE READ THE COMPLAINTS PROCEDURE CAREFULLY BEFORE STARTING TO COMPLETE THE FORM, SO YOU ARE SURE THAT IT IS APPROPRIATE TO MAKE A FORMAL COMPLAINT AND THAT YOU ADDRESS IT TO THE RIGHT PERSON, IE THE HEADTEACHER, CHAIR OF GOVERNORS OR CLERK TO THE GOVERNING BODY.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By whom:**

**Complaint referred to:**

**Date:**