

# Believe and Achieve Together



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

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|--------------|---------------------|
| Endorsed:    | June 2019           |
| Review date: | May 2022 completed  |
| Review date: | June 2023 completed |
| Review date: | June 2024           |

*"I pray that you would be rooted and established in love.....  
Filled to the measure of the fullness of God" (Ephesians 3:17-19)*

# St Mary's Church of England Primary School

## Concerns and Complaints Procedure

### 1. Mission Statement

#### Vision

'Believe and Achieve Together'

At St Mary's we are building a loving, caring, inclusive community, working together to provide every child with a high quality learning experience.

We support all, as we celebrate achievements and provide our children with a foundation of faith, hope and aspiration in an ever-changing world.

"I pray that you would be rooted and established in love...

Filled to the measure of the fullness of God"

(Ephesians 3:17-19)

### 2. Introduction

Under the Education Act 2002 section 29(1), schools are required to have an approved procedure for dealing with complaints relating to the school.

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.

Parents/carers and pupils can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated seriously and will be dealt with in a sensitive, impartial and confidential manner. It should also be noted that malicious complaints may incur appropriate action by the School.

Correspondence, statements and records will remain confidential except in so far as is required by the Education (Independent Schools Standards) Regulations 2010; where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.

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

The policy is for the benefit of pupils, and parents/carers of pupils at the School. The policy will be relied upon in respect of **all concerns or complaints** by parents/carers and pupils made against the School except in respect of;

- (a) **Child protection allegations**
- (b) **Suspensions**
- (c) **Appeals relating to internal assessment decisions for external qualifications**
- (d) **Staff Grievances**
- (e) **The content of the National Curriculum**
- (f) **Statutory assessment**
- (g) **Special Educational Needs**

For all the above, separate procedures apply.

The School expects that most concerns can be resolved informally and recognises that the majority of issues raised by parents/carers or pupils are concerns rather than complaints. The School will use its best endeavours to resolve any concerns that are made on this basis.

The School is committed to taking concerns seriously at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without the need for formal procedures. The School recognises however that, depending on the circumstances and the nature of the complaint, parents/carers or pupils may, in appropriate circumstances, wish to or may be asked to follow the formal stages of this policy from the outset.

If the informal procedures fail to resolve the issue, a formal complaint about any matter (not involving child protection allegations, internal assessment decisions or a decision to exclude a student), must be given verbally or in writing to the Headteacher in the first instance.

Every complaint shall receive fair and proper consideration and a timely response but in order for the School to investigate a complaint, it needs to be made within 3 months of the incident occurring. If a complaint is older than 3 months it will not be investigated unless the school determines that there are exceptional circumstances.

The School will do all it can to resolve concerns or complaints and to ensure parents/carers are happy with the education their child receives at the School.

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 unless the Head Teacher/Chair of Governors feels it is appropriate. Safeguarding concerns will always be investigated.

### **3.1 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.

**If your complaint is about the governing body as a whole**, you should raise your concern with the Clerk who can be contacted via [Governors.Support@bury.gov.uk](mailto:Governors.Support@bury.gov.uk) who will decide the most appropriate course of action. This will depend upon the nature of the complaint.

### **3.2 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.

The School will use its reasonable endeavours to resolve any informal concerns or complaints within 10 working days of them being raised, except where they are raised during School holidays or within 2 working days of their commencement. In these cases, the School will use its reasonable endeavours to resolve the concern or complaint as soon as possible after the commencement of the new term (usually within 10 working days).

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)

### **4. 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) If the complainant is not able to complete the School Complaint form independently, a member of the school staff will assist them in completing the form.

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.

## **5. 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.

## **6. 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

## **7. The Appeals Panel**

The Appeal Panel will consist of two Governors on the School Board who have not previously been involved in the complaint, and one person independent of the management and running of the School. The process used for selecting an independent person will conform to any relevant guidance issued by the Department for Education. (DfE)

The following are entitled to attend the Appeal Panel hearing, submit written representations and address the Appeal Panel:

- (a) The parent/s/carers and/or one representative;
- (b) The Headteacher and Assistant Headteacher of the School as appropriate and/or one representative;
- (c) The Chair of Governors if appropriate and/or one representative;
- (d) Any other interested person whom the Appeal Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Appeal Panel in their decision-making.

Legal representation will not normally be appropriate.

Where the Appeal Panel deems it necessary, it may require that further particulars of the appeal or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Appeal Panel in support of their position, including:

- (a) Documents in support of complaint(s),
- (b) Chronology and key dates relating to complaint(s), and
- (c) Written submission setting out the complaint(s) in more detail.

All evidence will be considered by the Appeal Panel, along with the appeal lodged by the parents/carers.

Evidence will be initially sent to the Clerk, who will then circulate the documentation to all parties, including the Appeal Panel members, along with an order of proceedings. All written evidence must be received by the Clerk no later than 10 working days in advance of the hearing. The Clerk will distribute the written evidence to the relevant parties no later than 5 working days in advance of the hearing.

It is for the Appeal Panel to decide how to conduct the proceedings of the appeal, the proceedings should be reasonably informal so that all parties can present their case effectively. If possible, the Appeal Panel will resolve the parents'/carers' appeal immediately without the need for further investigation. Where further investigation is required, the Appeal Panel will decide how it should be carried out.

After due consideration of all the facts and evidence they consider relevant, the Appeal Panel will reach a decision, and may make recommendations which it shall endeavour to implement within 10 working days of the hearing. Any decision reached that may have financial implications for the School will need the appropriate approval from the relevant authorities e.g. the School Board of Governors, although any such approval must be compatible with the decision of the Appeal Panel.

The Appeal Panel's findings will be sent by the Clerk in writing to the parents/carers, the Governors and, where relevant, the person complained of within 10 working days of the hearing. The letter will state the reasons for the decision reached and any recommendations made by the Complaints Panel. The decision reached by the Appeal Panel is the final School based stage of the complaints process.

The School will keep a record of all appeals, decisions and recommendations of the Appeal Panel, which record will be kept for 1 year after the pupil leaves the School.

N.B. – In cases where the complaint concerns the conduct of the Headteacher, the Headteacher and the Chair of Governors will be informed of the complaint and the Chair of Governors will arrange for the matter to be investigated as he/she considers appropriate in all the circumstances. The parents/carers will be notified of the Chair of Governors' decision in this regard. In deciding the appropriate manner for the matter to be investigated the Chair of Governors will take into account the provisions of Part 7 of the Education (Independent School Standards) (England) Regulations 2010.

## **8. 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 a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street Manchester M1 2WD. Alternatively, complaints can be submitted online at <https://www.gov.uk/complain-about-school> within 20 school days from receiving the panel's decision.

## **9. 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.

## **10. 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.

## **11. 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.stmaryshawshaw.com](http://www.stmaryshawshaw.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:**

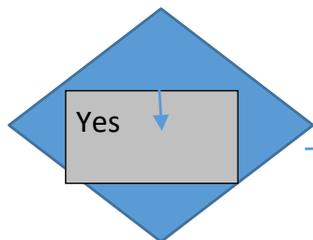
**School Use Only**

|                            |  |                     |  |
|----------------------------|--|---------------------|--|
| <b>School Use Only</b>     |  |                     |  |
| <b>Date form received:</b> |  | <b>Received by:</b> |  |





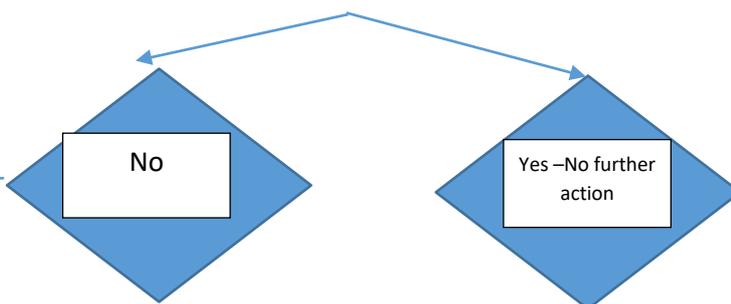
I have a concern, regards my child:



*Informal*

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

Has my concern been dealt with the teacher?

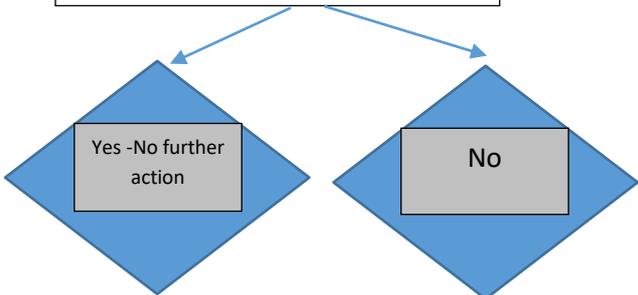


*Stage 1 Formal*

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?

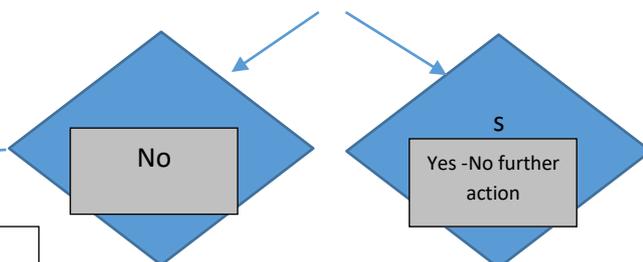


*Stage 2 Formal*

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?

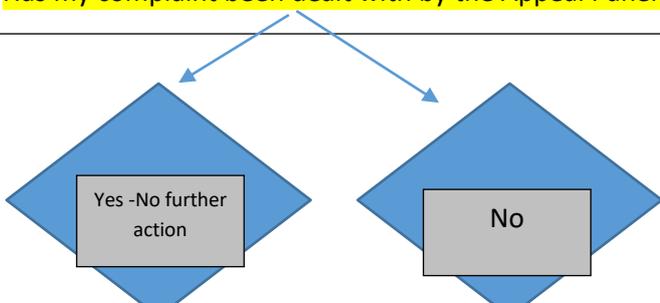


*Stage 3 Formal*

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.