



St Mary's
Catholic Primary School and Nursery

COMPLAINTS POLICY & PROCEDURE

INTRODUCTION

As 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 and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents 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.

St Mary's Catholic Primary School endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the Governing Body of St Mary's has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

RAISING CONCERNS

The majority of concerns can be dealt with without resorting to this procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's class teacher via telephone, email or in person. The class teacher may be able to address your concerns straight away, or arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the

future. Any such notes will be kept in accordance with the principles of the General Data Protection Regulation (GDPR) 2018. However, such notes would be able to be used to as evidence if further investigation was required, or if the concern became a formal complaint.

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).

It also refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

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.

DEFINITIONS AND SCOPE

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”.
- The school will resolve concerns through day-to-day communication and by following the agreed escalation procedure as far as possible.
- A complaint is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

St Mary's intends to resolve complaints informally wherever possible, at the earliest possible stage.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the class teacher, the Team Leader, the SENDCO and then the Head Teacher; 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.

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

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

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 working days of receiving the complaint.

Parents and carers can notify OFSTED if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 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.

SAFEGUARDING

Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's Safeguarding Policy which can be located on our website.

SOCIAL MEDIA

In order for complaints to be resolved as quickly and fairly as possible, St Mary's requests the complainants do not discuss complaints publically or via any social media platforms including Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

COMPLAINTS THAT RESULT IN STAFF CAPABILITY OR DISCIPLINARY

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain

confidential to the Head Teacher and/or the individual's line manager. The complainant is entitled to be informed that the matter is being dealt with appropriately, but they are not entitled to participate in the proceedings and will not receive any detail about them or the outcome.

PROCEDURE

If you need to raise an issue in the first instance, please do so with the relevant member of staff following our escalation procedure who will be happy to talk to you and seek to establish a resolution. If you are not satisfied with this response and believe the issue has not been resolved, please use the formal complaints procedure as detailed below.

TIMEFRAMES

St Mary's will endeavour to abide by timeframes stated under each stage. However, in some circumstances this is not always possible due to the complexity of information needed to review a complaint, difficulties regarding an individual's availability to deal with the complaint, or because of issues that are outside of the school's control. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

WHO SHOULD I APPROACH AT THE INFORMAL STAGE OF A COMPLAINT?

Educational matters: Class Teacher, Team Leader or Deputy Head Teacher

Pastoral care: Class Teacher, Team Leader, Learning Mentor, SENDCO or Deputy Head Teacher

Disciplinary matters: Class Teacher or Team Leader *i.e. the staff member who initiated the sanction*

Financial/Administration matters: School Business Manager, member of the Admin team

Complaint about a staff member's conduct: direct approach to the staff member themselves, or where this is thought inappropriate/does not resolve the situation, their line manager should be approached.

SCOPE OF THIS PROCEDURE

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 about any facilities or services that the school provides. The school will use this complaints procedure unless complaints need to be dealt with under separate statutory procedures such as appeals relating to exclusions or admissions. Any complaints which subsequently lead to action in relation to staff conduct will be considered under staff disciplinary procedures, if appropriate. Outcomes of any matter relating to staff disciplinary procedures will be confidential and will

not be shared with the complainant. The scope of this complaints procedure is covered in more detail in **Appendix C**.

TIMESCALES

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The school will only consider complaints made outside of this time frame if the chair of governors and Head Teacher, having taken advice, are of the view that exceptional circumstances apply.

All time-scales in this procedure refer to school working days, and so exclude school holidays, In Service Training (INSET) days and Bank Holidays.

Any complaints made outside of term time will be considered to have been received on the first school day after the holiday period.

ANONYMOUS COMPLAINTS

Anonymous complaints will not normally be investigated. However, the Head Teacher or chair of governors, if appropriate, will determine whether the complaint warrants an investigation.

SERIAL OR UNREASONABLE COMPLAINTS

Where the school judges a complaint to be unreasonable or where a complainant is making serial complaints or raising issues again that have previously been addressed under the final formal stage of the school's complaints procedure, the policy and procedure outlined in **Appendix F** will be invoked.

HOW TO RAISE A COMPLAINT

A concern / informal complaint can be made initially in person, in writing or by telephone. It may also be made by a third party acting on someone else's behalf, as long as they have appropriate consent to do so.

In the first instance parental concerns should normally be raised with the class teacher or, if the concern is about the class teacher, with a member of the senior leadership team or the Head Teacher. If the issue remains unresolved, the next step is to make a formal complaint under Formal Stage 1 of this procedure.

Complainants should not approach individual governors to raise concerns or complaints. Governors have no power to act on an individual basis and this may also prevent them from considering a complaint if it reaches Stage 2 of this procedure.

A formal complaint against a member of school staff (except the Head Teacher) should be made in the first instance to the Head Teacher via the school office and should be marked as private and confidential.

A formal complaint that involves or is about the Head Teacher should be addressed to the chair of governors, via the school office, and should be marked as private and confidential.

A formal complaint about the chair of governors, any individual governor or the whole governing body should be addressed to the clerk to the governing body via the school office and should be marked as private and confidential.

For ease of use, a template complaint form is included at the end of this procedure (**Appendix D**). Help in completing the form can be accessed via the school office.

In accordance with equalities law, the school will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. This may include providing information in alternative formats, assisting individuals in raising a formal complaint or holding meetings in accessible locations.

RESOLVING COMPLAINTS

At each stage in the procedure, we hope to be able to resolve the complaint. If appropriate, it will be acknowledged that the complaint is upheld in whole or in part. In addition, one or more of the following may be offered:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the school will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology

WITHDRAWAL OF A COMPLAINT

If a complainant wishes to withdraw their complaint, they will be asked to confirm this in writing. Once a complaint has been withdrawn the same instance of an issue cannot be raised again.

INFORMAL COMPLAINTS

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage and the school's escalation procedure is followed. Many issues can be resolved without the need to use the formal stages of the complaints procedure. The school aims to take all concerns seriously and will make every effort to resolve issues raised as quickly as possible.

If an individual has difficulty discussing a concern with a particular member of staff, the school will respect this. In this case the complainant will be referred to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the complainant will be referred to another staff member. The member of staff will usually be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

The school would hope and expect to be able to deal with most concerns raised on an informal basis, and a complainant should not raise a formal complaint before discussing their concerns informally with an appropriate member of staff. It is understood, however, that there are occasions when people remain dissatisfied and would like to raise their concerns formally. In this case every attempt will be made to resolve the issue through the formal stages outlined within this complaints procedure.

FORMAL STAGE 1

Formal complaints must be in writing, preferably on the complaints form provided in **Appendix D**, to the Head Teacher, other than in the circumstances referred to in paragraphs 11 and 12

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

Within this response, the Head Teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head Teacher can consider whether a face to face meeting is the most appropriate way of doing this.

The Head Teacher may delegate any investigation to another member of the school's senior leadership team but will not delegate the decision about the merits of the complaint.

During an investigation, the Head Teacher (or designated member of staff) will, if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish, and will keep a written record of any meetings/interviews in relation to the investigation. Staff members may be accompanied at these meetings by a colleague or trade union representative if they wish.

At the conclusion of the investigation, the Head Teacher will provide a formal written response, within twenty school days of the date of receipt of the complaint.

If the Head Teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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

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

If the complaint is about the Head Teacher, or a member or members of the governing body (including the chair and/or vice-chair), a suitably skilled governor will be appointed to complete all the actions at Formal Stage 1.

Complaints about the Head Teacher or member(s) of the governing body must be made to the clerk to the governing body, via the school office.

If the complaint is:

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

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

FORMAL STAGE 2

If the complainant is dissatisfied with the outcome at Formal Stage 1 and wishes to take the matter further, they can escalate the complaint to Formal Stage 2 – a meeting with a panel of three members of the governing body convened for this purpose. This is the final stage of the 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 Formal Stage 1 response. Requests received outside of this time frame will only be considered if the clerk to the governing body, having taken appropriate advice, considers that exceptional circumstances apply.

The clerk to the governing body will record the date the request to escalate the complaint is received, and acknowledge receipt in writing (either by letter or email) within five school days.

The clerk to the governing body will aim to convene a meeting of the governors' complaints panel within twenty school days of receipt of the Stage 2 request. If this is not possible, the clerk will provide an anticipated date and keep the complainant informed.

The complaints panel will comprise of at least three impartial governors with no prior involvement with the complaint. The complainant will be informed in advance of the meeting and of the membership of the panel and asked whether they wish to raise any objections to individual members. If objections are raised the panel will give them reasonable

consideration. If the ability of a panel member to give the case a fair hearing is called into question the reasons given will be considered and that panel member may be replaced.

If there are fewer than three governors from this school available, the clerk to the governing body, or the minute clerk for the hearing, will seek to source additional, independent governors through another local school or through the Cheshire East Governance Team, in order to make up the panel. Alternatively, an entirely independent panel may be convened to hear the complaint at Formal Stage 2.

If the complainant rejects the offer of three proposed dates, without good reason, the clerk to the governing body, or the minute clerk for the hearing, will decide when to hold the meeting in consultation with the governors' panel. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

A suitable venue must be provided for the meeting which includes separate waiting areas for the two parties and refreshments for all involved.

At least ten school days before the meeting, the clerk to the governing body, or the minute clerk for the hearing, will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- request copies from both parties of any written material to be submitted to the panel at least five school days before the meeting;
- request that both parties provide names of any witnesses to be called and the nature of the evidence which they will be providing, at least five days in advance of the meeting. The panel has the discretion not to admit a witness if they do not consider their evidence to be relevant to the complaint.

The complainant may bring someone with them to the panel meeting to provide support. This can be a relative or friend. Other than in exceptional circumstances (as agreed in advance with the governors' panel) this should not be a legal representative. This companion will not have the right to speak on the complainant's behalf.

If a school employee is called as a witness in a complaints meeting, they may wish to be supported by a representative of their trade union. Any such representative will be present in a supportive capacity only and will not be allowed to speak on the member of staff's behalf.

Minutes of the meeting will be taken by the clerk to the governing body, or a minute clerk appointed specifically for the hearing by the governors' panel.

There will be no audio or visual recording of the proceedings by any party unless a complainant's own disability or individual needs require it. Prior knowledge and consent of

all parties attending must be sought before recordings of meetings or conversations take place. Consent will be recorded in any minutes taken. A copy of the minutes of the meeting, once approved by the governors' panel, will be shared with all parties.

The panel will not accept as evidence, video or audio recordings that were obtained covertly and without the informed consent of all parties being recorded.

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

The meeting will be held in private and proceedings will be treated as confidential.

The meeting will follow the process outlined in **Appendix E**.

The governors' panel will consider the complaint and all the evidence presented. The panel can:

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

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

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

The chair of the panel will provide the complainant and the Head Teacher/chair of governors (depending on who conducted Formal Stage 1) with a full explanation of the panel's decision and the reason(s) for it, in writing, within five school days. The response will also detail any actions taken to investigate the complaint and, where appropriate, will include details of actions the school will take to resolve the complaint.

This is the final stage at which the school will consider the complaint. The school will not consider the complaint beyond this.

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

NEXT STEPS

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

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. The Department for Education will consider

whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education

online at: www.education.gov.uk/contactus

by telephone on: 0370 000 2288

or in writing to: Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD

RETENTION

The Chair of the Panel should ensure that a copy of all relevant information relating to the complaint is kept at the school in a secure, confidential file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society (www.irms.org.uk) and in accordance with the principles of GDPR. The complainant should be informed that this will be done.

SERIAL OR UNREASONABLE COMPLAINTS

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

St Mary's defines serial and 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 complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff or governors regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

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

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

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

Whenever possible, the Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' judgement.

If the behaviour continues, the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact St Mary's causing a significant level of disruption, we may specify methods of communication and access to the site for a specified period of time. This will be reviewed after 6 months.

In response to any serious incident of aggression, harassment or violence, the concerns and actions taken will be put in writing immediately and the Police informed. This may include banning an individual from the school site and arranging for them to be accompanied on site for specified events.

Please also refer to our separate policy for managing serial or unreasonable complaints **(Appendix F)**.

BARRING FROM THE SCHOOL PREMISES

Although fulfilling a public function, schools are private places. The public has no automatic right of entry to St Mary's. Governing bodies have a responsibility to ensure the wellbeing of pupils and staff, and will therefore act to ensure that our school remains a safe place.

If a parent's behaviour is a cause for concern, the school will ask him/her to leave school premises. In serious cases, the Head Teacher, Chair of Governors or the Local Authority will notify a parent in writing that their implied permission to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. St Mary's will always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar will then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent will be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Head Teacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department of Education.

Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

CONTACT DETAILS FOR EXTERNAL ORGANISATIONS IF NOT SATISFIED WITH THE OUTCOMES OF THE COMPLAINTS PROCEDURE IN FULL

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the Clerk to the Governing Body (please see Appendix B) or
- Cheshire East Governor and Liaison Team (please see Appendix A).
- If the complainant feels that the Governing Body acted unreasonably in the handling of the complaint, he/she can complain to the Department for Education (for maintained schools) or the Education Funding Agency (for academies and Free Schools) after the complaints procedure has been exhausted. Please note that unreasonable is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances.

Maintained Schools

Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

- In addition, complaints can be lodged electronically with the Department for Education, through the website www.gov.uk
- Ofsted will also consider complaints about schools. Complainants can contact Ofsted if they think a school isn't run properly and needs inspecting. Ofsted will not look into problems with individual pupils. This course of action is only available if the school's complaints procedure has already been followed.

<https://contact.ofsted.gov.uk/onlinecomplaints>

RELEVANT LEGISLATION AND GUIDANCE

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*
<https://www.gov.uk/government/publications/school-complaints-procedures>

APPENDIX A

Cheshire East Governor and Liaison Team

Mike Harris Service Manager:
Cheshire East Council Delamere House
01270 685974
michael.harris@cheshireeast.gov.uk

APPENDIX B

School contact details

St Mary's Catholic Primary School & Nursery
Dane Bank Avenue Crewe Cheshire CW2 8AD
Telephone: 01270 260620
Email: admin@stmarysrc.cheshire.sch.uk

Chair of Governors contact details

Mr James Duncan

Email: chair@stmarys.rc.cheshire.sch.uk

Clerk to the Governing Body contact details

Sarah Lomas Clerk to Governors: Sarah.Lomas@cheshireeast.gov.uk

APPENDIX C

SCOPE OF THIS COMPLAINTS PROCEDURE

This procedure covers all complaints other than those that are dealt with under other statutory procedures, including those listed below. As noted below, school employees may not use this procedure to raise concerns relating to their employment.

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs• School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Cheshire East Borough Council School Admissions and Organisation 0300 123 5012 http://www.cheshireeast.gov.uk/schools/admissions/admissions.aspx
<ul style="list-style-type: none">• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. Safeguarding Children in Education (SCiES) 01606 275039 http://www.cheshireeast.gov.uk/schools/safeguarding_in_education/safeguarding_in_education.aspx
<ul style="list-style-type: none">• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through this procedure.</i>
<ul style="list-style-type: none">• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.

	<p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</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>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>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.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> • National Curriculum - content 	<p>Please contact the Department for Education at: www.education.gov.uk/contactus</p>

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

If a complainant commences legal action against the school, the complaints procedure may be suspended until those legal proceedings have concluded.

APPENDIX D



St Mary's
Catholic Primary School and Nursery

FORMAL COMPLAINTS FORM

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Address	
Telephone (Day)	
Telephone (Mobile)	
Email Address	

Details of the complaint
Action taken to date and by whom to resolve the matter
The reason that this has not resolved the matter for you

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What action would you like to be taken to resolve the problem?

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Signed:

Date:

OFFICIAL USE	
Date received:	Signed:
Date acknowledgement sent	
Acknowledgement sent by	
Complaint referred to	
Date referred	

Appendix E

ARRANGEMENTS AND PROCEDURE FOR GOVERNORS' PANEL HEARING STAGE 2

1. The governors' panel will agree a chair from amongst their number.
2. Although this procedure may appear formal, the hearing should be conducted in as informal as way as possible, and the chair of the panel should make every effort to make all parties feel comfortable.
3. The chair of the panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.
4. The complainant will outline their complaint and explain why they are dissatisfied with the school's response at Formal Stage 1. The complainant may call any witnesses in support of their complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
4. The Head Teacher and/or chair of governors and the governors on the panel will have the opportunity to ask questions of the complainant.
5. The Head Teacher and/or chair of governors will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Head Teacher and/or chair of governors may call any witnesses in support of their statement who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.
6. The complainant and the governors on the panel will have the opportunity to ask questions of the Head Teacher and/or chair of governors.
7. Both parties will be given the opportunity to sum up their statements, ending with the complainant. No new material may be introduced at this stage.
8. The governors may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.
9. Both parties will leave the meeting and the governors will consider the information that has been put to them. The clerk will remain for this part of the meeting in order to clarify anything if necessary, but the governors' deliberations will not be minuted.
10. The governors' panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the school needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of the school staff. Normally the governors will reach a decision at this point

but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.

11. The governors will communicate their response to both parties in writing as soon as possible but, in any case, within five working days of reaching their decision.

Appendix F

POLICY FOR MANAGING SERIAL OR UNREASONABLE COMPLAINTS

The Head Teacher and governing body are committed to the improvement of our school. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. There is a procedure for parents/carers to use if they wish to make a formal complaint once the usual escalation processes have been fully exhausted.

Sometimes, however, parents or carers pursuing complaints, procedures or other issues treat staff and others in a way that is unacceptable and or behave in an unacceptable menacing manner. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept relentless, threatening, inappropriate or harassing behaviour.

The aim of this policy is to clarify the process for dealing with unreasonable, unrelenting complainants or parents who do not act appropriately.

1. WHAT DO WE MEAN BY 'AN UNREASONABLE COMPLAINANT'?

An unreasonable complainant may be anyone who engages in unreasonable behaviour when making a complaint or multiple complaints following various procedures. This will include parents and carers who pursue complaints and procedures in an unreasonable manner and those who do not act in an appropriate respectful manner towards staff at the school.

Unreasonable behaviour may include:

- Actions which are
 - Out of proportion to the nature of the complaint, or
 - Persistent – even when the complaints procedure has been exhausted, or
 - Personally harassing, or
 - Unjustifiably repetitious or
 - Obsessive, harassing, or prolific
 - Clearly and maliciously directed at a particular member of staff
- Prolific correspondence or excessive email or telephone contact about a concern or complaint.
- Repetitious complaints where the complainant has no view about what would satisfy him/her and/or no intention to resolve the complaint.
- Acting in a way contrary to reaching a reasonable and fair resolution and working with the school
- An insistence on pursuing unjustified or unmeritorious complaints and/or
- Unrealistic outcomes to unjustified complaints
- A clear statement has already been provided on the school's position
- The school is being repeatedly contacted with the same / related points being raised

- An insistence on
 - Pursuing justifiable complaints in an unreasonable manner e.g. using abusive or threatening language;

- Using social media in any form relating to the complaint
- Inciting or inviting other parents to become involved
- Making complaints in public; or
- Refusing to attend appointments to discuss the complaint.

2. WHAT IS 'HARASSMENT'?

We regard harassment as the unreasonable and multiple pursuits of issues or complaints in any given period, particularly if the matter appears to be pursued in a way which develops and expands and is intended to cause personal distress rather than seek a resolution.

Behaviour will fall within the scope of this policy if:

- It appears to be deliberately targeted over any period of time at one or more members of school staff or stakeholders.
- The way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes ongoing distress to school staff or others;
- It has a significant and disproportionate adverse effect on the school community.
- Actions are pursued aggressively or in any manner not appropriate to an effective resolution

3. WHAT CAN YOU EXPECT FROM THE SCHOOL?

Anyone who raises informal or formal issues and complaints with the school can expect the school to:

- Follow the School's escalation process and ultimately the complaints procedure
- Respond within a reasonable time;
- Be available for consultation within a reasonable time limit, bearing in mind the needs of pupils at the school and the nature of the complaint
- Respond with courtesy and respect;
- Attempt to resolve problems using reasonable means in line with the School's complaints procedure, other policies and procedures and in line with guidance from Cheshire East.
- Keep those involved informed of progress towards a resolution.

4. WHAT THE SCHOOL EXPECTS OF YOU

The school expects anyone who wishes to raise concerns with the school to:

- Treat all staff and governors with courtesy and respect
- Respect the needs of pupils and staff within the school;
- Never to use violence (including threats of violence) towards people or property;
- Recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- Recognise that some problems may not be resolved in a short time;
- Follow the school's complaints procedure in circumstances where the escalation procedure has been fully exhausted.

- Speak politely and respectfully using appropriate language and avoid any aggression or verbal abuse, including name-calling or personal insults.
- Raise concerns/complaints in an appropriate place and at an appropriate time (for example not in front of other parents or pupils and not in an open public space) in the appropriate way.
- To be prepared to work towards a reasonable resolution in partnership with the school

5. SCHOOL'S RESPONSES TO SERIAL OR UNREASONABLE COMPLAINTS OR HARASSMENT

This policy is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty and reach a resolution.

However, in cases of unreasonably persistent complaints or harassment, or where the school feels that the complaints are malicious, the school may take any or all of the following steps, as appropriate:

- Inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- Inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/Harassment Policy;
- Require all future meetings with a member of staff to be conducted with a third person present. In the interests of all parties, notes of these meetings may be taken;
- Inform the complainant that, except in emergencies, the school will respond only to written communication and respond in 15 working days.
- Inform the complainant in writing that his/her vexatious, persistent unreasonable behaviour is now considered to fall under the terms of this policy and that any complaint will not be investigated further until it is pursued in a manner the School considers to be reasonable.
- Place restrictions on the individual's access to school and access to school staff.
- Cease all correspondence and communication in any form with the complainant other than that necessary for the health and safety of any child/adult in school.
- Involve officers of the Local Authority and / or Diocese.

The school has a duty of care to staff and pupils and will take emergency measures should these become necessary in extreme cases.

6. PHYSICAL OR VERBAL AGGRESSION

The school, governing body and Cheshire East Council will not tolerate **any** form of physical or verbal aggression or personal harassment against any school staff or stakeholders. If staff and stakeholders are subject to this type of aggression the school may:

- Prohibit the individual from entering the school site, with immediate effect;
- Inform the individual that communication with them will cease other than in an emergency

- Request an Anti-Social Behaviour Order (ASBO);
- Prosecute under Anti-Harassment legislation.

7. TIME FRAME AND REVIEW

If a complainant's harassing/persistent behaviour is modified and is then resumed at a later date, the school, may resume the process identified above.

If a complainant's harassing/persistent complaining behaviour is modified and the complaint still lies within the time limit specified within the Schools complaints policy, the School will use its discretion and may resume the investigation of the complaint. The School will review as appropriate, and at a minimum of once a year, any sanctions applied in the context of this policy.

Further new complaints, if not pursued in a harassing or unreasonable way after the usual escalation process has been followed, will still be considered, even if the person making them is (or has been) subject to the vexatious or persistent complaints policy. The school nevertheless reserves the right not to respond to any communications from individuals subject to this policy.

There is no right of appeal under this policy.

Appendix G

GUIDANCE FOR GOVERNORS – STAGE 2

Our School has a complaints procedure to ensure we respond to complaints as quickly and as effectively as possible.

If the Head Teacher/ Chair of Governors is unable to resolve the matter at Stage 1, the complaint can be referred to a Complaints Committee appointed by the Governing Board under Stage 2. The aim of the hearing is to establish any areas of agreement and identify actions that can be taken to resolve the complaint. The Governing Board may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference.

These can include:

- drawing up its procedures;
- making recommendations on policy as a result of complaints.

The procedure adopted by the committee for hearing appeals is part of the school's complaints procedure. The committee can be drawn from the nominated members and/or other governing boards. The usual compliment is three governors. The committee may choose its own chair.

THE REMIT OF THE COMPLAINTS COMMITTEE

The committee has delegated powers to:

- Uphold the complaint in whole or in part;
- Dismiss the complaint in whole or in part;
- Decide on the appropriate action to be taken to resolve the complaint;
- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints committee needs to remember:

- It is important that the hearing is independent and impartial and that it is seen to be so. No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the committee, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may not be possible for the panel to establish the facts e.g. if there is insufficient corroborative evidence to enable it to form a view; its only alternative in this case is to make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective committee will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The committee Chair will ensure that the proceedings are as welcoming as possible.
- The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The committee needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

ROLE OF THE CHAIR OF THE COMPLAINTS COMMITTEE

The Chair of the Committee has a key role, ensuring that:

- The remit of the committee is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the committee is open minded and acting independently;
- no member of the committee has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;

- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

CHECKLIST FOR A COMPLAINTS COMMITTEE HEARING

The committee needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Head Teacher may question both the complainant and the witnesses after each has spoken.
- The Head Teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Head of School and the witnesses after each has spoken.
- The committee may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Head Teacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the committee decides on the issues.
- The Chair explains that both parties will hear from the committee within a set time scale.

NOTIFICATION OF THE COMMITTEE'S DECISION

The chair of the committee needs to ensure that the complainant is notified of the committee's decision, in writing, with the committee's response; this is usually will be within five days of the date of the hearing. The letter needs to explain how to contact the DfE if they remain unsatisfied.

Appendix H

INTERVIEWING BEST PRACTICE GUIDANCE FOR SCHOOLS

Children and Young People

Children should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.

Care should be taken in these circumstances not to create an intimidating atmosphere.

Children should be told what the interview is about and that they can have someone with them.

Staff / Witnesses

Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.

Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.

Use open, not leading questions.

Do not express opinions in words or attitude.

Ask single not multiple questions, i.e. one question at a time.

Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.

Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.

Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the Head Teacher/ Chair of Governors the option of a meeting between the conflicting witnesses.

Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if they have anything to add, and to sign the record as accurate.

Taken from the Department for Education's 'Best Practice Advice for School Complaints Procedures 2019' – Departmental advice for maintained schools, maintained nursery schools and local authorities.

Appendix I

MANAGING AGGRESSIVE BEHAVIOUR

STATEMENT OF PRINCIPLES

The governing body of St Mary's Catholic Primary School encourages close links with parents and the community. It believes that pupils benefit when the relationship between home and school is a positive one.

The vast majority of parents, carers and others visiting our school are keen to work with us and are supportive of the school. However, on the rare occasions when a negative attitude towards the school is expressed, this can result in aggression, verbal and or physical abuse towards members of school staff or the wider school community.

The governing body expects and requires its members of staff to behave professionally in these difficult situations and attempt to defuse the situation where possible, seeking the involvement as appropriate of other colleagues. However, all members of staff have the right to work without fear of violence and abuse, and the right, in an extreme case, of appropriate self-defence.

We expect parents and other visitors to our site to behave in a reasonable way towards members of school staff. This policy outlines the steps that will be taken where behaviour is unacceptable.

Types of behaviour that are considered serious and unacceptable and will not be tolerated:

- shouting at members of the school staff, either in person or over the telephone;
- physically intimidating a member of staff;
- the use of aggressive hand gestures;
- threatening behaviour;
- pointing a finger /shaking or holding a fist;
- swearing;
- pushing;
- striking /hitting;
- spitting;
- breaching the school's security procedures.

This is not an exhaustive list but seeks to provide illustrations of such behaviour.

Unacceptable behaviour may result in the Local Authority and the police being informed of the incident.

PROCEDURE TO BE FOLLOWED

If a parent/carer behaves in an unacceptable way towards a member of the school community, the Head Teacher or appropriate senior member of staff will seek to resolve the situation through discussion and mediation. If necessary, the school's complaints procedures should be followed. Where all procedures have been exhausted, and aggression or intimidation continue, or where there is an extreme act of violence, a parent or carer may be banned by the Head Teacher from the school premises for a period of time, subject to review.

In imposing a ban the following steps will be taken:

1. The parent/carer will be informed, in writing, that they are banned from the premises, subject to review, and what will happen if the ban is breached, e.g. that police involvement or an injunction application may follow
2. Where an assault has led to a ban, a statement indicating that the matter has been reported to the Local Authority and the police will be included.
3. The chair of governors/Local Authority will be informed of the ban
4. Where appropriate, arrangements for pupils being delivered to, and collected from the school gate will be clarified.

CONCLUSION

The Local Authority itself may take action where behaviour is unacceptable or there are serious breaches of our on-site expectations, home school agreement or health and safety legislation. In implementing this policy, the school will, as appropriate, seek advice from the Local Authority's education, health and safety and legal departments, to ensure fairness and consistency.