St Mary Magdalen's Catholic Primary School

School Complaints Policy

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Chair of Governors

MISSION STATEMENT

We are a Roman Catholic community, placing God at the centre of our lives. Christian values permeate every aspect of the school day. As a small friendly school, we aim to produce the warmth and intimacy of the family. We recognise each individual as special and loved by God, caring for one another and fostering love, trust and respect. When mistakes are made we recognise them as opportunities for learning and consequent reconciliation.

We aim to help all children fulfil their potential. We have high expectations of the children; we want them to do their best socially, personally, academically and spiritually.

We recognise each child's full entitlement to education. We value children's uniqueness and endeavour to nurture their potential. We strive to promote in them a sense of personal worth and self-confidence, as well as an awareness of their responsibilities to self and others.

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 Mary Magdalen's Catholic Primary School 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*'.

Our hope would be that an issue is first raised as a concern, while we understand that there may be situations where a complaint is preferred. It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the Complaints Procedure, and the focus should be on primarily adopting this approach. St Mary Magdalen's Catholic Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, St Mary Magdalen's Catholic Primary School will first see if the concern can be resolved informally, and will then attempt to resolve the issue internally, through the stages outlined within this Complaints Procedure.

How to Raise a Concern or Make a Complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should initially be raised with the Class Teacher.

If the concerns are not resolved, then they should be raised with a member of the Senior Leadership Team (SLT) or the Headteacher.

If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis, and it may also prevent them from considering complaints at Stage 2 of the procedure.

Concerns or complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office**.** Please mark them as Private and Confidential.

Concerns or complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

Concerns or complaints about the Chair of Governors, any individual governor or the whole governing board should be addressed to the Clerk to the Governing Board via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this Complaints Procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Anonymous Concerns or Complaints

We will not normally investigate anonymous concerns or complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the concern or complaint warrants an investigation.

Timescales

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.

Scope of this Complaints Procedure

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

Exceptions	**Who to Contact**
• Admissions to schools • Statutory assessments of Special Educational Needs • School reorganisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school reorganisation proposals should be raised with the London Borough of Richmond upon Thames.
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our Safeguarding and Child Protection Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) or the Multi-Agency Safeguarding Hub (MASH) on 020 8547 5008 (or 020 8770 5000 out of hours).
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the School Behaviour Policy can be made through the school's Complaints Procedure.* School Behaviour Policy
• Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. 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. 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.
• Staff grievances	Concerns or complaints from staff will be dealt with under the school's internal grievance procedures.

• Staff conduct	Concerns or 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 because of a complaint. However, the complainant will be notified that the matter is being addressed.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own Complaints Procedure to deal with complaints about service. Please contact them direct.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus.

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 St Mary Magdalen's Catholic Primary School in relation to their complaint, we will consider whether to suspend the Complaints Procedure in relation to their complaint until those legal proceedings have concluded.

Resolving Complaints

At each stage in the procedure, St Mary Magdalen's Catholic Primary School wants to resolve the concern or complaint. If appropriate, we will acknowledge that 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 situation could have been handled differently or better;
- an assurance that we 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 considering the complaint;
- an apology.

Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

Stage 1

Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing (preferably on the

Complaint Form), or by telephone. This must be done in writing (preferably on the Complaint Form with specific dates of incidents to aid any investigation).

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

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this. The Headteacher will also consider if the complaint could be resolved informally and advise the complainant as to the difference between a concern and 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 investigator) will:

- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- keep a written record of any meetings/interviews in relation to their investigation
- explain the process of the complaint and clarify that all documentation will be supplied to all parties ie to the complainant and to those complained of – unless confidentiality precludes otherwise.

At the conclusion of their investigation, the Headteacher will provide a formal written response within **twenty-five school days** of the date of receipt of the complaint.

If the Headteacher 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 St Mary Magdalen's Catholic Primary School will take to resolve the complaint.

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

If the complaint is about the Headteacher, or a member of the governing board (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Headteacher or member of the governing board must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair; or
- the entire governing board; or

- the majority of the governing board,

Stage 1 will be considered by an independent investigator appointed by the governing board or the Archdiocese of Southwark. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing board's Complaints Committee, which will be formed of the first three, impartial, governors available. This is the final stage of the Complaints Procedure.

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

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

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting 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.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The Complaints Committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from St Mary Magdalen's Catholic Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this Complaints Procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

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

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible;
- request copies of any further written material to be submitted to the committee at least five school days before the meeting.

Any written material will be circulated to all parties at least five school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

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

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee 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 committee 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 Committee will provide the complainant and St Mary Magdalen's Catholic Primary School with a full explanation of their decision and the reason(s) for it, in writing, within ten school days.

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 St Mary Magdalen's Catholic Primary School.

If the complaint is:

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

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

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 St Mary Magdalen's Catholic Primary School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

Next Steps

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

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by St Mary Magdalen's Catholic Primary School. They will consider whether St Mary Magdalen's Catholic Primary 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 by writing to:
Department for Education
Piccadilly Gate
Store Street
Manchester M1 2WD

Habitual or Vexatious Complaints

The school understands the importance of providing a clear and easy to use complaints process and aims to respond with patience, understanding and empathy to the needs of all complainants. On occasion however, there will be times when the school's complaints process has been exhausted and there is nothing further that can reasonably be done to assist or rectify the complaint. Should a complaint reach this stage the school may choose to no longer engage with the complainant, particularly if their ongoing communications are deemed to be vexatious and/ or relating to the same issues already raised. Once the school has decided that it is appropriate to stop responding, the complainant will be informed in

writing, by letter and/ or email. Following this, any further contact in relation to the issue will no longer be considered part of an open complaint and, whilst may be logged, will not be acknowledged. The school will however ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

Examples of when the school may consider a complaint to be habitual or vexatious include when the complainant:

• 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 cooperate with the complaints investigation process;
• refuses to accept that certain issues are not within the scope of the complaints procedure;
• insists on the complaint being dealt with in ways that are incompatible with the complaints procedure or with good practice;
• introduces additional details which are deemed not be relevant to the original complaint they expect to be taken into account and commented on;
• 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 DfE;
• seeks an unrealistic outcome;
• makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with;
• knowingly provides falsified information; and/or
• publishes unacceptable information on social media or other public forums.

APPENDIX 1

ST MARY MAGDALEN'S CATHOLIC PRIMARY SCHOOL
COMPLAINT FORM

Please complete and return to Headteacher/Chair of Governors/Clerk to the Governors who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: **Postcode:** **Email address:** **Daytime telephone number:** **Evening telephone number:**
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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:

APPENDIX 2

ROLES AND RESPONSIBILITIES

Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible;
- cooperate with the school in seeking a solution to the complaint;
- respond promptly to requests for information or meetings or in agreeing the details of the complaint;
- ask for assistance as needed;
- treat all those involved in the complaint with respect;
- refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

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

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - interviewing staff and children/young people and other people relevant to the complaint;
  - consideration of records and other relevant information;
  - analysing information;
- liaising with the complainant and the Complaints Coordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting;
- ensure that any papers produced during the investigation are kept securely pending any appeal;
- be mindful of the timescales to respond;
- prepare a comprehensive report for the Headteacher or Complaints Committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

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

Complaints Coordinator (this could be the Headteacher/designated complaints governor or other staff member providing administrative support)

The Complaints Coordinator should:

- ensure that the complainant is fully updated at each stage of the procedure;
- liaise with staff members, Headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the Complaints Procedure;
- be aware of issues regarding:
  - sharing third party information;
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person;
- keep records.

Clerk to the Governing Board

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the Complaints Procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulation (GDPR);
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible;
- collate any written material relevant to the complaint (for example Stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- record the proceedings;
- circulate the minutes of the meeting;
- notify all parties of the committee's decision.

Committee Chair

The Committee's Chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting;
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy;
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person;
- the remit of the committee is explained to the complainant;
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting.

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- the issues are addressed;
- key findings of fact are made;
- the committee is open-minded and acts independently;
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- the meeting is minuted;
- they liaise with the Clerk (and Complaints Coordinator, if the school has one).

Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be 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.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The committee should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent/carer is the complainant, the committee should give the parent/carer the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent/carer should be advised that agreement might not always be possible if the parent/carer wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.