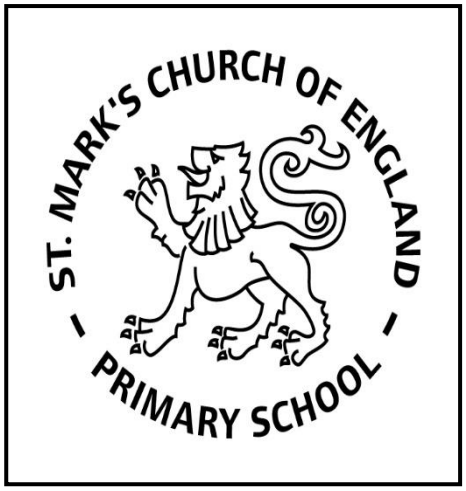
Complaints Policy



"Every Child,
Every Chance,
Every Day"

Every Child, Every Chance, Every Day

St Mark's C of E Primary School
Policy for Complaints

Governors and staff are committed to delivering the very best for our children. Our Vision is fundamental to our role as a Church of England School with its roots coming from the original blessing and verse presented to our school on its official opening in 1955.

Thy word is a lamp to my feet and a light to my path.

Psalm 119 Vs 105

The following five components describe the desired outcomes we offer through it.

- *Together, we will prepare you for life and learning*
- *Together, we will teach you to live within the values of God's word*
- *Together, we will safely lead you on your journey*
- *Together, we will guide you to a fulfilling future*
- *Together, we will forever help you to grow in confidence*

INTRODUCTION

This policy and procedure is for the benefit of pupils, and parents of pupils of St Mark's Primary School. This document sets out the school's procedure for addressing complaints. It should be used only when informal attempts to resolve problems have been unsuccessful. If you have any concerns about the school or the education provided, please discuss the matter with your child's class teacher at the earliest opportunity.

Please note that this procedure does not apply to issues concerning the curriculum, collective worship, admissions, exclusion appeals, decisions about your child's special educational needs or grievances by school staff. These are the subject of separate complaints procedures. Copies of these procedures can be obtained from the school. All other complaints are handled by the school according to the arrangements set out below.

AIMS AND OBJECTIVES

The school will give careful consideration to all complaints and deal with them fairly and honestly from any person wishing to complain however, the school will only respond to complaints from persons with parental responsibility for an individual child.

The school expects that most concerns can be resolved informally and will use their best endeavours to resolve any complaints that are made informally, or any concerns that are raised, on that basis, through open dialogue and mutual understanding.

If 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 pupil, must be given in writing to the Head Teacher and will be dealt with under this Complaints Policy and Procedure. **Under no circumstances should any child be involved with the delivery of complaints letters to either their teacher, the school office or leadership team.**

Every complaint shall receive fair and proper consideration and a timely response. Please refer to the following guidelines for the specific timescales. We will do all we can to resolve your concern and to ensure you are happy with the education that your child receives.

COMPLAINTS PROCEDURE

Our Complaints Procedure will:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to understand and use
- be impartial and non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality, wherever possible (some information sharing may be necessary to carry out a thorough investigation)
- address all the points at issue and provide an effective response and appropriate redress, where necessary
- provide information to the school's senior leadership team so that services can be improved.

The school will be clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

Serial and Persistent Complainants

St Mark's Primary School is committed to dealing with all complaints fairly and impartially, and to provide 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. Please see our Policy for Unreasonable Complainants.

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 Mark's Primary

School about any provision of facilities or services that we provide. However, the school will only liase with persons who have a legal responsibility in relation to a child. 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'.

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. St Mark's 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 head teacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the head teacher 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 Mark's Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

How to raise a concern or make an Informal 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 be raised with either the class teacher or head teacher

Most concerns will be effectively dealt with in the first stage. At this stage the concerned party should be asked what they think may resolve the issue. Every effort should be made to resolve the difficulty informally in discussion with the class teacher, a senior member of staff or the Head Teacher.

We encourage the concerned party to approach staff and aim to resolve all issues with open dialogue and mutual understanding. It is expected that concerns will be informally dealt with within 5 school days of the concern being raised. If the issue remains unresolved, the next step is to make a formal complaint (Stage 1). This should be made within 5 school days of the outcome of the concern.

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.

Complaints against school staff (except the head teacher) should be made in the first instance, to the head teacher via the school office. Please mark them as Private and Confidential.

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

Complaints 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. 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.

A written record will be kept of all complaints made, along with details of whether they were resolved following a formal procedure, or progression to a panel hearing.

Anonymous complaints

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

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.

Scope of this Complaints Procedure

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

Exceptions	Who to contact
• Admissions to school • Statutory assessments of Special Educational Needs	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Islington Local Authority.
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our Child Protection & Safeguarding Policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO), who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). Contact details for both are available on the Islington Council website.

• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/schooldiscipline-exclusions/exclusions **complaints about the application of behaviour policy can be made through the school's complaints procedure.*
• 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 whistle-blowers in education who do not want to raise matters directly with their employer.
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedures to deal with complaints about service. Please contact them direct.
• Normal Curriculum – content	Please contact the Department of 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, Tribunals or OFSTED, 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 Mark's 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 Mark's Primary School wants to resolve the 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 in light of 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 head teacher (unless they are about the head teacher), via the school office. This must be done in writing (preferably on the Complaint Form).

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 5 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.

Note: The head teacher 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 head teacher (or investigator) will:

- if necessary, 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.

At the conclusion of their investigation, the head teacher will provide a formal written response within 15 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 St Mark's Primary 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 Stage 1.

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

Complaints about the head teacher or member of the governing body 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 body or
- the majority of the governing body Stage 1 will be considered by an independent investigator appointed by the governing body. 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 body'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 20 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 20 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 15 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 two 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, at least one of which is independent of the management and running of the school. 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 Mark's Primary School available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order 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 10 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 received at least 7 school days before the meeting.

Any written material will be circulated to all parties at least 5 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 Mark's Primary School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days. The findings and recommendations of the panel will be available for inspection on the schools premises by the proprietor and the head teacher.

The letter to the complainant will include details of how to contact the DFE (Department for Education) if they are dissatisfied with the way their complaint has been handled by St Mark's Primary School.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body, Stage 2 will be heard by a committee of independent, co-opted 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 Mark's 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.

The school will record the action it takes as a result of complaints - regardless of whether they are upheld.

Confidentiality

Please note: Any correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Equality Statement

At St Mark's Primary School, we are committed to ensuring equality of opportunity both as an employer and a service provider. We aim to develop a culture of inclusion and diversity in which all those connected to the school feel proud of their identity and ability to participate fully in school life. We tackle discrimination through the positive promotion of equality, by challenging bullying and stereotypes and by creating an environment which champions respect for all. At St Mark's Primary School, we believe that diversity is a strength which should be respected and celebrated by all those who learn, teach and visit us.

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 Mark's School They will consider whether St Mark's 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.

Complaint Form

Please complete and return to the school office for the attention of the Head Teacher or the Chair of Governors who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Address: **Postcode:** **Daytime telephone number:** **Evening telephone number:**
Please give details of your complaint, including whether you have spoken to anybody at 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:

Roles & Responsibilities

Complainant

The complainant will receive a more effective response if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings
- Agree the details of the complaint
- ask for assistance if 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
- analysing information
- liaising with the complainant and the complaints co-ordinator 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 head teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The head teacher 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 Co-Ordinator – (Office Manager)

The Complaints Co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, 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 Body

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

- ensure that all people involved in the complaint 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, that Data Protection Act (DPA) 2018 and the General Data Protection Regulations (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 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 (data protection act) 2018 or GDPR
- if a new issue arises it would be useful to give everyone the opportunity to consider a 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 facts 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 co-ordinator, 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 effects 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 is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- However, the parent should be advised that agreement might not always be possible if the parent 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.

Reviewed and ratified by Governing body	Spring Term 2019		
Next Revision (Please highlight as appropriate)	Annual	**Biennial**	Tri-annual
To be reviewed	Spring Term 2021		