



Reviewed July 2023

ST BERTELINE'S CHURCH OF ENGLAND PRIMARY SCHOOL

SCHOOL COMPLAINTS PROCEDURE & POLICY

St Bertelina's takes its responsibility for children very seriously. We value the support and partnership of parents and carers and all staff work hard to build strong relationships with any person who is instrumental in the lives of the children at St. Bertelina's. We try very hard to get things right. However, despite everyone's best efforts, situations may arise which require further attention.

Who can make a complaint?

This complaints procedure is mainly aimed at parents or carers of children who are registered at the school, but it is not limited to them. Any member of the public may make a complaint to St. Bertelina's about any provision of facilities or services that the school provides. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this complaints procedure.

Pupils, parents or carers can make a complaint to the school about most aspects of its function including:

- Attitude/behaviour of staff.
- Teaching and learning.
- Application of behaviour management systems.
- Bullying.
- Provision of extra-curricular activities.
- Provision of internal support for SEND children

Members of the general public may make complaints to the school if the school is directly responsible for the issue being complained about e.g.

- Behaviour of pupils during break times.
- Disturbance to neighbours during school hours.
- Health and Safety issues of premises.
- Behaviour of staff.

NB. At St Bertelina's, concerns relating to worship and spiritual matters may be referred to the Diocese of Chester.

Anonymous complaints will not normally be investigated. However, the headteacher or Chair of Governors will determine whether an investigation is warranted depending on the nature and content of the complaint.

The difference between a concern and a complaint

Parents may have a concern or a complaint and these are different and will be handled differently.

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 opportunity. Many issues can be resolved informally, without the need to use the formal stages of this complaints procedure.

Complainants must feel able to raise concerns with members of staff without formality either in person, by telephone or in writing. If you have difficulty discussing a concern with a particular member of staff, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, then the headteacher can ask another staff member to assist. 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, the Headteacher and the Governors at St. Berteline's will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

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 other stages of this procedure. If an individual governor does receive a complaint, it will be referred to the Head or Chair as appropriate (except where the Head or Chair is the subject of the complaint) and not investigated by the individual Governor.

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'.

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'.

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'.

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.

How to raise a concern or make a complaint

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

The vast majority of concerns can be resolved informally. There are many occasions where concerns are resolved straight away by the class teacher, office staff or the Headteacher, depending on whom the complainant first approaches. It is in everyone's best interests that concerns are resolved at the earliest possible stage.

The member of staff first contacted should clarify the nature of the concern and do their utmost to reassure the complainant. If the member of staff can resolve the concern immediately, they should do so. They should then record the enquiry and any agreements made, and notify the Headteacher.

If the member of staff cannot resolve the concern, they should make a clear note of the date, name, contact address and phone number and a brief note of the nature of the concern. It would also be useful to record what sort of outcome the complainant is looking for. The member of staff should then refer the complaint to the Headteacher or Deputy. The Headteacher must decide if the concern is covered by the complaints procedure or should be dealt with under other procedures e.g., child protection or personnel.

N.B. If the concern involves an allegation of assault or abuse of a child by a member of staff, the Headteacher must inform the Local Authority Designated Officer (LADO). Likewise, if the concern is about the Headteacher, the member of staff should provide the complainant with details of how to contact the Chair of the Governing Body.

The staff member dealing with the concern should make sure that the complainant is kept informed of any action taken. The emphasis at this stage remains on resolving the issue quickly for the benefit of staff, pupils and parents.

The complainant should receive a response to their concern as soon as possible, and within a maximum of **15** school days. At this stage the response may be given verbally or in writing. The complainant should be given information on how to proceed to a formal

complaint if they are not satisfied with the outcome so far.

Formal Complaints: Stage 1.

Formal complaints must be made in the first instance, to the Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing by email or letter, or by telephone.

Complainants must raise their complaint within three months of the incident leading to their dissatisfaction, or where a series of incidents have occurred, within three months of the last of these incidents. We will consider incidents outside of this timeframe if exceptional circumstances apply. Complaints made outside of term time will be recorded as received on the first school day after the holiday period.

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 **5** school days. Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved from discussions with the class teacher (if appropriate) 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.

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:

- 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 Headteacher will provide a formal written response within 15 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 with reason/s for the delay.

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 school staff 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 body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

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: The complaint will be dealt with by the Governing Body's complaints committee.

A request to escalate to stage 2 must be made to the Clerk of the governing body, via the school office, within **15** school days of receipt of the stage 1 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5** school days.

The clerk will write to the complainant to inform them of the date of the meeting with the governing body's complaints committee. They will aim to convene a meeting within **20** 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 may 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 among themselves who will act as the chair of the complaints committee. If there are fewer than three impartial governors from St. Berteline's available, the clerk will source any additional, independent governors through another local school or through their local authority'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 its decision it 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.

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 submitted to the committee at least **5** school days before the meeting.

Any written material will be circulated to all parties at least **3** 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 or additional 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
- 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.

The chair of the committee will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within **5** school days.

The letter to the complainant will include details of how to contact the DfE if they are dissatisfied with the way their complaint has been handled by the school and the governing body.

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 DfE will not normally reinvestigate the substance of complaints or overturn any decisions made by the school. They 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 DfE 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

Duplicate complaints

If, after closing a complaint at the end of this procedure, we receive a duplicate complaint from a spouse, a partner, a grandparent or a child not attending this school, we will remind them that we have already considered the complaint and the local process is complete. Complainants will be advised to contact the DfE if they are dissatisfied with our handling of the complaint.

Complaint campaigns

If we receive what we consider to be a large volume of complaints, all based on the same subject and possibly from complainants not connected to the school, then we will treat these complaints as being part of a campaign and respond in one of the following two ways, depending upon the nature and scale of the complaint:

- send the same response to all complainants; or
- publish a single response on the school's website.

Withdrawal of a complaint

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

Scope of this complaints procedure

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

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions to schools Statutory assessments of special educational needs 	Concerns about admissions, statutory assessments of special educational needs schooladmission@halton.gov.uk
<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. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or Halton Children's Social Care (ICART) on 0151 907 8305
<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 (available on the school website) can be made through the school's complaints procedure.</i>
<ul style="list-style-type: none"> 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 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 DfE (see link above), depending on the substance of your complaint.
<ul style="list-style-type: none"> Staff grievances 	Complaints from staff will be dealt with under the school's internal grievance procedures. Copy available

	from the school office
<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> <p>Information available from the school office.</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.</p> <p>Please contact them in the first instance</p>
<ul style="list-style-type: none"> National curriculum - content 	<p>Please contact the DfE 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 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.

Roles and Responsibilities in dealing with complaints.

Complainant

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

- Explain the complaint in full as early as possible
- Work 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 at all stages of the complaints procedure is to establish the facts relevant to the complaint by:

- Providing a comprehensive, open, transparent, fair consideration of the complaint through:
 - Using 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 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 as set down in the complaints procedure
- 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 investigator 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

This could be the Headteacher, a designated complaints governor or other staff member providing administrative support.

The complaints co-ordinator 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
 - Providing 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, the 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 and send it to all 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 a formal manner but 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 that is relevant to the complaint being addressed, it would be advisable 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 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. However, 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. A sensitive approach should be adopted.
- 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

Procedure for managing serial and unreasonable complaints

St. Bertelina'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 our school unless this is deemed to be unacceptable or unreasonable.

Unacceptable behaviour

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. We are mindful of the stress and anxiety this type of complaint has on staff and the consequent effect on well-being and it is our duty to protect them from harm.

Unreasonable behaviour

St. Bertelina's defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if 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 complaint's investigation process;
- refuses to accept that certain issues are not within the scope of the complaint's procedure;
- refuses to accept that information regarding children other than their own cannot be shared at any point in the complaints process.
- insists on the complaint being dealt with in ways that are incompatible with the complaints procedure or with good practice;
- introduces trivial or irrelevant information that 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;
- makes personal and/or offensive remarks about staff and their beliefs.
- 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;
- raises an excessive number of complaints
- uses threats to intimidate;
- uses abusive, offensive or discriminatory language or violence;
- knowingly provides falsified information; and/or
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached by affecting the timescales laid down in the complaints procedure. Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact St. Bertelina's causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from school premises.

Persistent correspondence

If complainants frequently contact the school, causing a significant level of disruption, but refuse to engage with the complaints procedure, St. Bertelina's can:

- restrict the complainant to a single point of contact via an email address; and/or
- limit the number of times the complainant can make contact.

This restriction will be limited to the complainant's capacity to complain. For all other issues the complainant can contact the school as normal.