



St Mark's West Essex Catholic School

Complaints Policy

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Committee: Curriculum, Pupils and Admissions

Complaints Policy

This policy aims to outline clearly the procedures that should be followed when dealing with complaints about the school. It is our intention that: -

- Making a complaint is as easy as possible;
- We treat as a complaint any clear expression of dissatisfaction with our school which calls for a response, whether it is made in person, by telephone, by letter or by e-mail;
- We treat it seriously and we deal with it promptly, politely and, where appropriate, informally (for example, by telephone);
- We respond in the right way - for example, with an explanation, or an apology where we have got things wrong, or information on any action taken or to be taken in the future;

Where an appeal mechanism or legislative process takes precedence, then that procedure must be followed and the procedure outlined below will not apply. Examples of where alternative measures would take precedence may include (but are not limited to) some of the following:

- Complaints about the Educational, Health, Care Plan (EHCP) process for children with special educational needs;
- Disciplinary issues relating to members of staff;
- Child protection allegations;
- Admissions and exclusions;
- Provision of collective worship and religious education;
- Complaints concerned with the delivery of the National Curriculum (or the school's sex education policy);

General Principles

The difference between a Complaint and a Concern

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 generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that complaint and concerns are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal

procedures through contacting the Headteacher. We take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

Sometimes a concern sent to a member of staff may be directed to another staff member, if they feel unable to deal with the concern. 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 will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher 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.

Our procedures for dealing with general concerns

The majority of concerns from parents, carers and others are handled under the following general procedures which follow the Essex County Council model policy for complaints and the non-statutory guidance of the Department for Education's Best Practice Advice for School Complaints (2016).

The procedure is divided into 3 stages:

- Stage 1** aims to resolve the concern through informal contact at the appropriate level in school.
- Stage 2** is the first formal stage at which written complaints are considered by the Headteacher or the designated governor, who has special responsibility for dealing with complaints.
- Stage 3** is the next stage once Stage 2 has been worked through. It involves a complaints review panel of governors.

Investigating complaints

At each stage, the person investigating the complaint must seek to

- establish what has happened so far, and who has been involved
- identify areas of agreement between the parties as well as clarify any
- misunderstandings that might have occurred
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning

Vexatious Complaints

St Mark's West Essex Catholic School complaints procedure seeks to limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body can inform them in writing that the procedure has been exhausted and that the matter is now closed.

How each of the stages operates is explained below:

Stage 1 - Your initial contact with the school

1. Many concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's form tutor or Head of Year.
2. We will see you, or contact you by telephone or in writing, as soon as possible after your concern is made known to us. All members of staff know how to refer, if necessary, to the appropriate person with responsibility for particular issues raised by you. He or she will make a clear note of the details and will check later to make sure that the matter has been followed up.
3. We will ensure that you are clear what action or monitoring of the situation, if any, has been agreed. We will confirm this in writing to you.
4. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.
5. We will discuss with you (normally within 15 working days) the progress of our enquiries. You will have the opportunity of asking for the matter to be considered further, once we have responded to your concern.
6. If you are still dissatisfied following this informal approach, your concern will become a formal complaint and we will deal with it at the next stage.

Stage 2 - Formal consideration of your complaint

This stage in our procedures deals with written complaints. It applies where you are not happy with the informal approach to dealing with your concern, as outlined under Stage 1 above.

1. Normally, your written complaint should be addressed to the Headteacher. If, however, your complaint concerns the Headteacher personally, it should be sent to the school marked "For the attention of the Chair of Governors".
2. We will acknowledge your complaint in writing as soon as possible after receiving it. This will be within five working days.
3. We will enclose a copy of these procedures with the acknowledgement.
4. Normally we would expect to respond in full within 15 working days but if this is not possible we will write to explain the reason for the delay and let you know when we hope to be able to provide a full response.
5. As part of our consideration of your complaint, we may invite you to a meeting to discuss the complaint and fill in any details required. If invited to a meeting, you can ask someone to accompany you to help you explain the reasons for your complaint.
6. The Headteacher, or Chair of Governors may also be accompanied by a suitable person if they wish.
7. Following the meeting, the Headteacher or Chair of Governors will, where necessary, talk to witnesses and take accounts from others involved. If the complaint centers on a pupil, we will talk to the pupil concerned and, where appropriate, others present at the time of the incident in question.
8. We will normally talk to pupils with a senior member of staff present, unless this would delay the investigation of a serious or urgent complaint. In such circumstances, we will ensure that another member of staff, with whom the pupil feels comfortable, is present.
9. If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.
10. The Headteacher or Chair of Governors will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.
11. Once we have established all the relevant facts, we will send a written response to the complaint. This will give a full explanation of the Headteacher's or Chair of Governors decision and the reasons for it. If follow-up action is needed, we will indicate what we

are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.

12. The person investigating your complaint may decide that we have done all we can to resolve the complaint, in which case we may use our discretion to close the complaint at this point. Please see below for further information about this process.

Closure of Complaints

1. Very occasionally, the school will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.
2. We will do all we can to help to resolve a complaint against the school but sometimes it is simply not possible to meet all of the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
3. If a complainant persists in making representations to the school - to the Headteacher or, Chair of Governors, this can be extremely time-consuming and can detract from our responsibility to look after the interests of all the children in our care.
4. For this reason, we are entitled to close correspondence (including personal approaches, as well as letters and telephone calls) on a complaint where we feel that we have taken all reasonable action to resolve the complaint.
5. If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3.

Stage 3 - Consideration by a complaints review panel

If your concern has already been through Stages 1 and 2 and you are not happy with the outcome, you may request for a complaints review panel to be set up to consider it. This is a formal process, and your ultimate recourse.

The purpose of this arrangement is to give the complaint a hearing in front of a panel of 3 impartial governors, who have no prior knowledge of the details of the complaint, and who are independent of the management and running of the school, who can, therefore, consider it without prejudice.

Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Panel.

The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.

The complaints review panel operates according to the following formal procedures:

1. A request to escalate to Stage 3 must be made to the Clerk, via the school office, within three school days of receipt of the Stage 2 response.
2. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within three school days.
3. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
4. If the panel decide to invite you to a meeting, the clerk to the governing body will aim to arrange for the panel meeting to take place within 15 working days. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
5. If you reject the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in your absence on the basis of written submissions from both parties.
6. The clerk will ask you whether you wish to provide any further written documentation in support of your complaint. You can include witness statements, or ask witnesses to give evidence in person, if offered a meeting. The panel will 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.
7. The Headteacher will be asked to prepare a written report for the panel. Other members of staff directly involved in matters raised in your complaint will also be asked to prepare reports or statements.
8. The clerk will inform you, the Headteacher, any relevant witnesses and members of the panel by letter, at least five working days in advance, of the date, time and place of the meeting. We hope that you will feel comfortable with the meeting taking place in the school; but we will do what we can to make alternative arrangements if you prefer.
9. The letter will explain what will happen at the panel meeting and the clerk will also inform you that you are entitled to be accompanied to the meeting. The choice of person to accompany you is your own, but it is usually best to involve someone in whom you have confidence but who is not directly connected with the school. This can be a relative or friend. They are there to give you support but also to witness the proceedings and to speak on your behalf if you wish. Generally, we do not encourage either party to bring legal representatives to the 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.

10. With the agreement of the Chair of the Panel, the Headteacher may invite members of staff directly involved in matters raised by you to attend the meeting.
11. The Chair of the Panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.
12. As a general rule, no evidence or witnesses previously undisclosed should be introduced into the meeting by any of the participants. If either party wishes to do so, the meeting will be adjourned so that the other party has a fair opportunity to consider and respond to the new evidence.
13. 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.
14. The Chair of the Panel will ensure that the meeting is properly minuted. Please understand that any decision to share the minutes with you, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive and, therefore, confidential nature.
15. Normally, the written outcome of the panel meeting, which will be sent to you, should give you all the information you require. If, however, you feel that you would like to have a copy of the minutes it would be helpful if you could indicate this in advance. If the panel is happy for the minutes to be copied to you, the clerk can then be asked to maintain confidentiality in the minutes.
16. During the meeting, you can expect there to be opportunities for:
 - you to explain your complaint;
 - you to hear the school's response from the Headteacher;
 - you to question the Headteacher about the complaint;
 - you to be questioned by the Headteacher about the complaint;
 - the panel members to be able to question you and the Headteacher;
 - any party to have the right to call witnesses (subject to the chair's approval) and all parties to have the right to question all witnesses;
 - you and the Headteacher to make a final statement.

17. In closing the meeting, the chair will explain that the panel will now consider its decision and that written notice of the decision will be sent to the Headteacher and yourself within two weeks. All participants other than the panel and the clerk will then leave.
18. The panel will then consider the complaint and all the evidence presented in order to: reach a unanimous, or at least a majority, decision on the complaint; decide on the appropriate action to be taken to resolve the complaint; recommend, where appropriate, to the governing body changes to the school's systems or procedures to ensure that similar problems do not happen again.
19. The clerk will send a written statement outlining the decision of the panel within two weeks, including any findings and recommendations, to the complainant and, where relevant, the person complained about.
20. St Mark's will keep a copy of all correspondence and notes on file in the school's records but separate from pupils' personal records. The findings and recommendations of the panel will be available for inspection on the school premises by the Trustees and the Headteacher.
21. 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.
22. St Mark's will record the action it takes as a result of complaints (regardless of whether they are upheld).
23. 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.

Unreasonable Complaints

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

St Mark's defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process

- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which 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 Department for Education
- 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
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

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

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

Whenever possible, the Headteacher or Chair of Governors will 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 asking them to change it. For complainants who excessively contact St Mark'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 usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. Legal action may be pursued. This may include banning an individual from the site of St Mark's.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the Diocese can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. St Mark'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 Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for 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.