

St. Paul's C of E Primary School

Documentation Information and Control

Complaints Procedure Policy

Current Status: Reviewed 2021, 2022

Review date: December 2023

Persons responsible for review: The Governing Body in consultation with the Head Teacher

Reference to other documents: *Best Practice Guidance for School Complaints Procedures*, DfE, January 2016, updated January 2021

Complaints Procedure

1. Rationale

- 1.1 St Paul's School was established in 1862 to serve Almighty God and the community by providing, within a biblical Christian ethos, a broad, balanced, and engaging education and learning experience.
- 1.2 St Paul's School is an inclusive school in which, through the provision of a broad, balanced, and engaging curriculum and within a caring and supportive environment, each pupil is motivated to develop and flourish as he or she acquires skills for life and a love of learning.
- 1.3 The prime statutory duty of the governing body is to "conduct the school with a view to promoting high standards of educational achievement at the school" (*School Standards and Framework Act 1998*).
- 1.4 Without prejudice to the ethos of the school, the school shall adopt best practice, taking into account all appropriate statutory guidance and regulations (see the DfE document *Best Practice Advice for School Complaints Procedures 2016*).
- 1.5 Section 29 of the Education Act 2002 requires the Governing Body to:
 - (1) establish procedures for dealing with all complaints and
 - (2) publish the procedures it establishes.

2. Procedures

- 2.1 *Concerns*
 - (1) It is recognised that not all concerns are of necessity complaints.

- (2) It is also recognised that it is desirable that concerns be raised, addressed, and allayed with a minimum of delay.
- (3) It is further recognised that when a concern relates to a pupil it shall normally be raised first with the class teacher.
- (4) Governors and staff shall promote a culture in which concerns are dealt with promptly, preferably on the spot, and effectively.

2.2 *Complaints*

- (1) All complainants shall always be treated fairly and with respect.
- (2) In the interest of fairness, complaints proceedings shall be confidential.
- (3) A school Complaints Register shall be kept by the Head Teacher.
- (4) Complaints shall be dealt with according to a three stage process.

2.3 *First Stage - a complaint heard by a member of staff*

- (1) All complaints, other than those relating to the curriculum or the behaviour of a member of staff or a governor, shall normally be addressed first to the class teacher of the pupil(s) involved.
- (2) The class teacher to whom a complaint is addressed shall endeavour to resolve the complaint as quickly as is possible and shall ensure a record of the complaint received and actions taken is entered on the Child Protection On-line Management System (CPOMS).
- (3) If a complaint is not resolved with a class teacher, the matter may be referred to the Head Teacher.

2.4 *Second Stage - a complaint heard by the Head Teacher or a Governor*

- (1) If a complaint is deemed to be inappropriate for the class teacher to resolve the matter shall not be dealt with as a First Stage Complaint but as a Second Stage Complaint.

- (2) A second stage complaint that does not involve a Governor shall be referred directly to the Head Teacher.
- (3) A second stage complaint against a Governor or the Head Teacher shall be referred to the Chairman of the Governing Body (or the Vice Chairman if it involves the Chairman).
- (4) A complaint may be made in person, by telephone, or in writing and shall be recorded in the school's Complaints Register by the Head Teacher or Governor referred to include 2.4(3) above.
- (5) The Head Teacher or Governor referred to in clause 2.4(3) above shall endeavour to resolve a complaint as quickly as possible and no later than ten working days of its receipt.
- (6) A complainant shall be given an opportunity to state his or her case to the Head Teacher or Governor referred to in clause 2.4(3) above either in person or in writing.
- (7) On the completion of an investigation into a complaint, by the Head Teacher or Governor referred to in clause 2.4(3) above the decision and reason(s) for it shall be given to the complainant in writing within three working days and the complainant shall be informed that he or she may appeal to the Chairman of the Governing Body (or the Vice Chairman if it involves the Chairman) against the decision made.

2.5 Third Stage - Appeal or Formal Complaint heard by a panel of the Governing Body

- (1) If a Second Stage Complaint does not yield a satisfactory outcome a complainant may lodge an appeal with the Chairman (or the Vice-Chairman if it involves the Chairman) of the Governing Body.
- (2) An appeal against the decision of a Second Stage Complaint shall be made in writing to the Chairman (or the Vice-Chairman if it involves the

Chairman) of the Governing Body within ten working days of the receipt of the decision referred to in paragraph 2.4(7) above.

- (3) The Chairman (or the Vice-Chairman) of the Governing Body shall convene an Appeal or Formal Complaint Hearing Panel of the Governing Body within ten working days of the receipt of such a complaint.
- (4) An Appeal or Formal Complaint shall be heard by a panel of three governors.
- (5) A complainant shall be given an opportunity to state his or her case either in person or in writing.
- (6) A complainant may be advised or supported by another person during a hearing.
- (7) The Head Teacher or Governor referred to in clause 2.4(3) above shall be given an opportunity to explain the school's response to the complaint.
- (8) Both the complainant and the Head Teacher or Governor referred to in clause 2.4(3) above shall be given an opportunity to call witnesses and to question the witnesses called by the other party.
- (9) Any witnesses called shall be present only for the time they are invited to give evidence.
- (10) If the panel cannot come to a decision about the complaint the matter may be referred by the panel to the Diocesan Board of Education or to the Local Authority for advice.
- (11) The decision of the panel, and the reason(s) for it, shall be conveyed to the complainant in writing within three working days of the Formal Complaint Hearing.

- (12) The complainant shall be informed that the decision of the Formal Complaint Hearing panel cannot be appealed against to the Governing Body.
- (13) The complainant shall also be informed that he or she may complain to the Secretary of State if he or she believes that the Governing Body has acted unreasonably or has failed to carry out its statutory duties properly.

2.6 Remit of the Appeal or Complaints Panel

- (1) The panel:
 - (a) shall dismiss the complaint in whole or part;
 - (b) shall uphold the complaint in whole or part;
 - (c) may decide on appropriate action to resolve a complaint; or
 - (d) may recommend changes to the school's systems or procedures to ensure that a problem of a similar nature does not recur.
- (2) The panel shall not include a governor who had a prior involvement in the complaint or the circumstances of it.
- (3) A hearing shall be held in private and its proceedings shall be confidential.
- (4) The aim of the hearing shall be to resolve the complaint.
- (5) The members of the panel shall be familiar with the terms of this policy.
- (6) The hearing shall be both impartial and independent and care shall be taken to ensure that the proceedings are non-adversarial in character.
- (7) Extra care to ensure fairness and impartiality shall be taken when the complainant is a child.
- (8) The chairman of the panel shall be appointed by the panel and shall be responsible for ensuring that correct procedure is followed at all times.

3. Handling of Complaint

- 3.1 If a complainant believes that the school did not handle their complaint in line with this procedures set out in this policy, or that the school acted unlawfully or unreasonably in the exercise of its duty under education law, he or she may contact the Department of Education (DfE) after Stage 3 is complete.
- 3.2 The Governing Body recognises that the DfE will not normally re-investigate the substance of a complaint nor overturn a decision made a school.
- 3.3 The DfE will consider whether a school has adhered to education legislation and any stuautory policy connected with the complaint.
- 3.4 The DfE may be contacted:
- (a) on-line at www.education.gov.uk/contactus
 - (b) by phone on 0370 000 2288, or
 - (c) in writing at:
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

4. Review

The governors shall review this policy each year.