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Complaints Policy

Date	Review Date	Coordinator	Nominated Governor
Sept 2024	Sept 2025	Headteacher	Chair of Governors

We believe that Sacred Heart Catholic Primary School and Nursery provides an excellent education and that the Headteacher and school personnel work very hard to build positive relationships with all parents and others. We believe that we can keep complaints to a minimum by forging strong positive relations with everyone connected with the school and by having in place very good lines of communication.

In a caring school, such as Sacred Heart School, we wish to resolve any concerns, complaints, issues or problems, as informally as possible and in ways that are fair, impartial, confidential, non-adversarial, prompt, effective and appropriate. Therefore, anyone who has concerns of any kind should first discuss the matter with the School. Every effort will be made to resolve the matter informally first. Only if the complaint cannot be resolved to everyone's satisfaction, will more formal action be needed.

We are obliged to have and make available a written procedure to deal with complaints from parents of pupils at the school. This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#). It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by Sacred Heart Catholic Primary School and Nursery, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
• Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
• 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 the Multi-Agency Safeguarding Hub (MASH).
• 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 can be made through the school's complaints procedure.</i>
• 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-



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	<p>blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
• Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
• 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>

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 time scales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Sacred Heart Catholic Primary School and Nursery in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

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 only consider complaints made outside of this time frame if exceptional circumstances apply.

Complaints received outside of term time

Complaints made outside of term time will be considered as received on the first school day after the holiday period.

Resolving complaints

At each stage in the procedure, the 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

Complaint Procedures – How to raise a concern or make a complaint

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



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Note:

- *Complaints regarding the day to day running of the school, the treatment of an individual student, or the implementation of a school policy, should be brought to the attention of the relevant class teacher in the first instance (see Stages 1, 2 and 3 of Complaints procedure below)*
- *Complaints against school staff (except the head teacher) should be made 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 (Dr Simon Quigley), 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 Rosemary Waddell (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.

Complaints Procedure:

Stage 1: Informal complaints

It is to be hoped that the majority of concerns can be expressed and resolved on an informal basis.

- Where a complaint is made regarding the day to day running of the school, the treatment of an individual student, or the implementation of a school policy, in the first instance, parents should attempt to resolve the problem by bringing it to the attention of their child's class teacher.
- If the problem cannot be resolved through the above channel, or if the problem is deemed more serious, then the parent should contact by telephone, or in writing, a Senior Leader who will offer to discuss the matter by telephone and/or meet the parents to discuss the problem, to aim to resolve the matter fully.
- If the problem has not been resolved through the above channel, the parent should contact the school by telephone, or in writing, and the Deputy Headteacher/Headteacher will offer to meet the parent to discuss the problem, as a final attempt to resolve the problem without recourse to Stage 2 (the formal stage) of this procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal response by telephone or an informal written response, within **5 working days** of the concern being raised.

As stated, we would hope that the vast majority of concerns will be resolved informally; however, if the issue remains unresolved, following all of the steps above being taken, the next step is to move to Stage 2, a formal complaint.

Stage 2: Formal complaints

If the above channels do not resolve the problem, parents may refer the matter to the Headteacher for consideration.



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Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office email address (office@sacredheart.southend.sch.uk). This should be done in writing (preferably on the Complaint Form, Appendix A). This should make clear that it is a formal complaint and should specify its nature as exactly as possible.

The Headteacher will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within **5 working days**. Within this response, the Headteacher may seek to clarify the nature of the complaint, ask what remains resolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

The Headteacher (or investigator) will then investigate the complaint and:

- Evaluate the substance of the matter, obtaining additional information if necessary
- Determine whether Stage 1 was handled appropriately
- Decide upon further action if necessary
- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

At the conclusion of their investigation, the Headteacher will provide the Complainant of the outcome of the investigation, detailing any actions taken to investigate the complaint, and a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Sacred Heart Catholic Primary School will take to resolve the complaint. Generally, a Complainant will be informed of the outcome of the investigation in writing, within **20 working days** from the receipt of the formal complaint to the Headteacher. A complaint received during a school holiday or within 20 working days of the end of a term or half-term may take longer to resolve. If the Headteacher is unable to meet the deadline, they will provide the complainant with an update and revised response date.

Written records will be kept of any complaints made at the formal stage, whether they are resolved following a formal procedure, or proceed to a panel hearing; and the action(s) taken by the school as a result of those complaints (regardless of whether they are upheld). Written records of all complaints are 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.

If a formal complaint is not resolved to the satisfaction of the Complainant within 20 working days from the receipt of the formal complaint by the Headteacher, the Complainant may request, in writing, that the Chair of the Local Governing Committee (LGC) considers the complaint.

The Chair of the Local Governing Committee will acknowledge receipt of the complaint in writing (either by letter or email) within **5 working days**. Generally, a Complainant will be informed of the outcome of the Chair of the LGC's investigation in writing, within **20 working days** from the receipt of the written request for the Chair of the LGC to consider the complaint.

If the issue remains unresolved following the steps above being taken, the complainant may request that the complaint be heard by an independent panel under Stage 3 of the Procedure.

Stage 3: Panel Hearing

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 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, with one panel member who is



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independent of the management and running of Sacred Heart Catholic Primary School. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Clerk of the Hearing Panel, via the school admin email address, within **10 working days** of receipt of the Stage 2 response. Requests received outside of this time frame will only be considered if exceptional circumstances apply.

A request for a complaint to be heard by a panel must be:

- set out in writing
- made within **10 working days** from receipt of the outcome letter under Stage 2 of the Procedure
- accompanied by Appendix A: Complaint Form
- accompanied by all relevant documents or copies of all documents referred to

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 working days**. The Clerk to the Hearing Panel will write to the Complainant:

- acknowledging receipt of the Request
- setting out the steps under the procedure
- providing their contact details and an invitation to contact the Clerk, should the Complainant require any additional assistance or information, from the School, concerning their complaint
- providing the Complainant with any other necessary information

The Clerk will write to the complainant to inform them of the date of the meeting. The Clerk will aim to convene a Panel Hearing within **30 working days** of the request, or as soon as practically possible. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

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

At least **15 working days** before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that 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 (see evidence to be considered below) to be submitted to the committee at least **10 working days** before the meeting

Evidence to be considered

The Complainant and the School are allowed to provide evidence they seek to rely on to the Hearing Panel such as:

- copies of relevant documents
- a written document setting out a chronology and key dates
- written statements

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.

At least **5 working days** before the hearing, the Clerk to the Hearing Panel must provide these documents and the completed Complaint Form to:

- the complainant
- the persons appearing for the School



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- the Hearing Panel

The documents and the completed Complaint Form will be considered by the Hearing Panel, at the Hearing, in addition to any other representations allowed by the procedure.

At the hearing, the Complainant and the School are allowed to submit written or oral representations to the Hearing Panel.

Persons to attend the Hearing

The Hearing Panel, to consist of:

- 2 members of the Local Governing Committee and/or Trustees that serve on the Board of the Trust
- 1 person who is independent of the management and running of the School

The persons that serve on the Hearing Panel will be people who were not directly involved in the matters detailed in the complaint. The Hearing Panel will choose one of their own as the Chair of the Hearing Panel.

Other persons allowed to attend the Hearing:

- the Complainant and/or one representative of their choosing. A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend
- a person appearing for the School (Headteacher, CAO of Trust, Chair of Governing Committee, Chair of the Board of Trustees) and/or one (1) and more representative of their choosing
- any other person who, in the opinion of the Hearing Panel, a reasonable and justified interest in the Hearing under this stage of the procedure will be named by the Hearing Panel and recorded as such an interested party

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 (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with the complainant.

Representatives from the media are not permitted to attend.

Powers of the Hearing Panel

After receiving and considering representations – from the Complainant, the School, and/or any other relevant person (as provided for below) – the Hearing Panel 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 upon any appropriate action to be taken to resolve the complaint
- recommend any changes to the School to improve its policies, procedures and/or systems to ensure that issues raised by the complaint do not occur in the future



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Order of proceedings at the Hearing

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 Clerk will signal that everyone is present and introduce the Chair of the Hearing Panel
- The Chair of the Hearing Panel will welcome all attendees and provide an overview of the order of proceedings to take place.
- The Complainant will be given an opportunity to make representations to the Hearing Panel. In response, the persons appearing for the School may ask questions directed through the Chair of the Hearing Panel.
- The Complainant may also present evidence or may lead a Witness who will present evidence to the Hearing Panel. In response, the persons appearing for the School may put questions to the Witness through the Chair of the Hearing Panel.
- The persons appearing for the School will be given an opportunity to make representations to the Hearing Panel. In response, the Complainant may ask questions directed through the Chair of the Hearing Panel.
- The persons appearing for the School may also present evidence or may lead a Witness who will present evidence to the Hearing Panel. In response, the Complainant may put questions to the Witness through the Chair of the Hearing Panel.

All attendees at the hearing must conduct themselves in a respectful manner whilst on School premises. The Hearing Panel will not tolerate unacceptable behaviour. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- using abusive or foul language
- making threats towards persons or property
- gesticulating or making displays with hands and/or other body parts

The Hearing Panel may ask questions of any person in attendance with the aim of resolving the complaint or to aid the Hearing Panel with their functions under the Procedure.

After the Hearing Panel have received representations, the Chair of the Hearing Panel will ask the Clerk to escort those in attendance out of the venue.

The Hearing Panel will then make their decision in accordance with their powers under the procedure.

The Clerk will make a confidential written record of the entire proceedings of the Hearing for the benefit of the Hearing Panel in arriving at their decision.

Should any attendee at the Hearing fail to conduct themselves in a respectful manner whilst on School premises, the Hearing Panel reserves its right to take the appropriate action, which may include reporting misconduct or incidents of involving unacceptable behaviour the relevant authorities.

The decision of the Hearing Panel and notification of the decision



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Within **10 working days** of the Hearing, the Hearing Panel will reach a decision and communicate this, in writing, to the Clerk to the Hearing Panel.

In accordance with the procedure, the Decision will:

- set out details of the action taken to investigate the complaint
- an explanation and reasons for the decision
- any recommendations made by the Hearing Panel

The Decision of the Hearing Panel is final.

Within **20 working days** of the Hearing, the Clerk to the Hearing Panel will deliver a copy of the Decision, to the following stakeholders:

- the complainant
- the Headteacher and/or CAO
- the Chair of the Local Governing Body
- any relevant person who formed the basis of the complaint

The letter outlining the Decision of the Hearing Panel, will also include how to contact the Education and Skills Funding Agency (ESFA) if the complainant is dissatisfied with the way their complaint has been handled by Sacred Heart Catholic Primary School and Nursery.

Written records will be kept of all complaints, and whether they are resolved at the preliminary stages or proceed to a panel hearing; and the action(s) taken by the school as a result of those complaints (regardless of the decision). All written records of all complaints are 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.

Withdrawing a complaint

Once a complaint has been made, a Complainant is free to withdraw their complaint, at any stage, at any time. If the complaint is being dealt with under Stage 2 or Stage 3 the Complainant should put the withdrawal of the complaint in writing.

Generally, a withdrawal of complaint will result in the end of an investigation. However, due to certain duties and responsibilities under education law the School may have to make the necessary reports and referrals to the relevant authorities.

Persistent, serial and vexatious complainants

While the School aims to resolve all concerns and complaints that are raised we wish to remind our community that:

- the primary function of the School is to educate students in our community
- decisions of the Hearing Panel under the Procedure are final

Persistent and serial complaints, are unreasonable concerns or complaints raised with the School, which because of the frequency or nature hinder the School from:

- consideration of their own, or others people's complaints
- impact on the primary function of the School

Vexatious complaints are those complaints made without sufficient grounds, but made especially so as to cause annoyance or disruption.



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The School distinguishes between people who may raise a number of concerns or complaints in good faith and persons who raise such concerns and complaints in bad faith with the intention of being difficult.

Where a person seeks to use the Procedure to take up an unwarranted amount of the School's resources or impede an investigation under the Procedure, the Governors will assess such complaints, on a case-by-case basis at Governing Committee Level and will respond appropriately through the Chair or through a legal professional.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of the Governing Committee (LGC), if appropriate, will determine whether the complaint warrants an investigation.

Publicising the Complaints Policy

The policy will be available on Sacred Heart Catholic Primary School website.

Conclusion

Sacred Heart Catholic Primary School hopes this procedure will not be needed. For the very rare occasion when it is, it will be followed objectively. If a complainant tries to re-open the same issue, Chair of the Governing Committee (LGC), will inform her/him that the procedure has been followed and is now closed. As per government guidance, this policy will be regularly reviewed at least every 2-3 years.

**Please note, in the first instance, complainants should follow the
Sacred Heart Catholic Primary School Complaints Policy.**

Should the complainant be unsatisfied with the outcome of this complaints policy or wish to complain about an issue that we are unable to investigate, the complainant can contact the Assisi Catholic Trust via the Clerk to Trustees, Miss Nikita Parr (email: office@assisicatholictrust.com). The complaint will be reviewed by the CAO and delegated as appropriate. The Clerk will write to the complainant to acknowledge their complaint, usually within **15 school days** of receiving it or as soon as practicable thereafter. If appropriate, the Trust will investigate the complaint and provide an initial response.

Next Steps

If the complainant believes the school / trust 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 ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Sacred Heart Catholic Primary School and Nursery. They will consider whether Sacred Heart Catholic Primary School and Nursery has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).



SACRED HEART CATHOLIC PRIMARY SCHOOL



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The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus,
by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT



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APPENDIX A

Complaints Form

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
Please give brief details of your complaint:
Please provide us with detail of what action(s), if any, have you already taken to try to resolve your concern or complaint, as well as who you have spoken to and what was their response:
What actions do you feel might resolve the problem at this stage?
Do you wish to provide the School with documents to help us understand your complaint better? If so, please provide details.
Signature:



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Date:
<u>OFFICIAL USE ONLY</u>
Date acknowledgement sent:
By who:
Complaint referred to:
Action taken:
Date: