

Pray, Learn, Achieve and Celebrate Together



# Compliments and Complaints Policy

*A new commandment I give unto you: that you love one another as I have loved you."*

*John 13:34*

Written: December 2020

## Availability of the Compliments and Complaints Procedure

The school Compliments and Complaints Procedure must be published on the school website

### Compliments

It is always good to receive positive feedback, this can be given verbally or in writing to the school office. It is encouraging to hear when situations go well and are appreciated, and your comments will always be shared with staff and pupils where appropriate. There is also an opportunity to give compliments through our regular questionnaires.

### 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 Gabriel's about any provision of facilities or services that we provide. 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 within the school, without the need to use the formal stages of the complaints procedure. St Gabriel's 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 of school, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the head of school 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 Gabriel's will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### How to raise a concern or make a complaint

#### Stage 1 (Informal Stage)

Any 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.

### Stage 1 (Informal Stage)

Any concern should be raised with the class teacher in the first instance. If the issue remains unresolved the opportunity to discuss the matter with a senior member of staff will be given. It is anticipated that the majority of complaints will be resolved at this stage. However, if the informal process has been exhausted and no satisfactory solution has been found, the complainant will be advised to formalise the complaint by meeting with the Head Teacher at Stage 2 of the process.

### Stage 2 (Formal Stage)

The Head Teacher will meet with the complainant and investigate the matter. The complaint should be put in writing using the Complaint Form attached at the end of this policy. If a resolution cannot be found, the complaint will be escalated to Stage 3 and referred to the Chair of Governors.

### Stage 3

The complaint will be referred to the Chair of Governors – Mr Melling who will investigate the matter.

Complainants should not approach individual Trustees or 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 3 of the procedure.

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

Complaints that involve or are about the head of school should be addressed to the Chair of Governors – Mr Melling. Please mark them as Private and Confidential.

Complaints about the Chair of Governors of a Local Governing Board, the Chair of Trustees, any individual Trustee/governor or the whole governing board should be addressed to Marie Collier (the Clerk to the Governing Board) at the registered address of the Trust. 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.

### **Anonymous complaints**

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

### **Time scales**

You must raise the complaint as soon as possible but no longer than three months after 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

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

The procedure takes account of the Education (Independent School Standards (England) Regulations 2014 and advice given by the Education and Skills Funding Agency in January 2015 about academy complaints procedures.

This procedure covers all complaints about any provision of community facilities or services by St Gabriel'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"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> </ul>	Concerns about admissions, or statutory assessments of Special Educational Needs, should be raised with Wigan Council 01942 488337
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) <a href="mailto:Llado@wigan.gov.uk">Llado@wigan.gov.uk</a> who has local responsibility for safeguarding or the Multi-Agency Safeguarding Team (MAST). <a href="mailto:CINdutyteam@wigan.gov.uk">CINdutyteam@wigan.gov.uk</a></p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour procedure can be made through the school's complaints procedure which is accessible through the website: <a href="http://www.saintgabrielsprimary.co.uk">www.saintgabrielsprimary.co.uk</a></i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>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. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	Complaints from staff will be dealt with under the academy's internal grievance procedures.

<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the academy'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>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.</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 St Gabriel's 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 Gabriel's will try 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 (Informal Stage)

The complaint has been investigated and resolved with no further action required.

#### Stage 2 (Formal Stage)

Formal complaints about a school must be made to the head of school (unless they are about the head of school), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

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

Within this response, the head of school will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The head of school can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The head of school 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 of school (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 end of their investigation, the head of school will provide a formal written response within ten school days of the date of receipt of the complaint.

If the head of school 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 Gabriel's will take to resolve the complaint.

The head of school will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the head of school, the Chair of Governors will complete all the actions at Stage 2. Complaints should be addressed to the Chair of Governors at the registered address of the school.

Complaints about the Chair of Governors or member(s) of the Trust board/local governing board must be made to the Chair of Trustees, at the registered address of the school.

If the complaint is:

- jointly about the Chair and Vice Chair of Trustees or
- the entire or majority of the Trust Board

Trustees will appoint an independent investigator to consider the complaint. At the end of their investigation, the independent investigator will provide a formal written response to the Board of Trustees.

### **Stage 3 (Formal Stage)**

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 request to escalate to Stage 3 must be made within ten school days of receipt of the Stage 2 response.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Education (Independent School Standards) Regulations 2014 Part 7 stipulate that any appeal must be heard before a panel comprising of at least three people (as specified in the Scheme of Delegation), one of whom is **independent of the management and running of the academy**. If there are no Trustees able to hear the complaint impartially an entirely independent committee may be convened to hear the complaint at Stage 3. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee

A request to escalate to Stage 3 must be made to the Clerk of the Trust Board, at the registered address of the Trust, within ten school days of receipt of the Stage 2 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 **five** school days.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within twenty school days of receipt of the Stage 3 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 complaints committee may decide to hold the meeting in their absence and make a decision based on the written information that has been submitted to them.

If the committee have grounds for concern about the possible conduct of the complainant the committee may decide to deal with the complaint by inviting both parties to present their information to them separately.

The complainant may bring someone along to provide support to them at the meeting. 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 complaint's 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 twelve school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the date is 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 seven school days before the meeting.

Any written material will be circulated to all parties at least five 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 the CEO/ head of school with a full explanation of their decision and the reason(s) for it, in writing, within **ten** school days.

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

If the complaint is:

- jointly about the Chair and Vice Chair of the Trust Board or
- the entire/majority of the Trust Board

Stage 3 will be heard by a committee of independent people, co-opted on to the Trust Board for this purpose only.

Where complaints against a governor of a local governing board are upheld at either Stage 2 or Stage 3 the Trust may consider removing the governor from the local governing board

Where complaints against a Trustee are upheld at either Stage 2 or Stage 3 the Trust may consider suspending<sup>1</sup> the Trustee or request that Members consider removing the Trustee from the board

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 Gabriel's will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

## Next Steps

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<sup>1</sup> If permitted in the Articles of Association



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 Education Funding and Skills Agency (ESFA) after they have completed Stage 2. Further information about how the ESFA handles complaints about academies can be found [here](#).

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by St Gabriel's. They will consider whether St Gabriel's has adhered to education legislation and any statutory policies connected with the complaint.

The complainant should refer their complaint to the ESFA online following [this link](#) or write to

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

## Complaint Form

Please complete and return to St Gabriel's (*either the head of school/CEO/Chair of Trustees or Clerk— academy to delete as appropriate*) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint, including whether you have spoken to anyboard at the 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 who:

Complaint referred to:

Date:

## Roles and Responsibilities

### Complainant

The complainant will receive a more effective response to the complaint 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 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 (if this role has been delegated)

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
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant 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 CEO/head of school that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The CEO/head of school will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### Clerk to the Governing Board

The Clerk is the contact point for the complainant at Stage 3 of the procedure and the clerk 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
- ensure that an independent person has been appointed by the Trust to serve on the panel
- collate any written material relevant to the complaint (for example; stage 1 and 2 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's 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 2018 or GDPR.

If a new issue arises it would be useful 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 of any issues verbally in the meeting.

- 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

### Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No Trustee/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 affects 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.