



HOLY CROSS CATHOLIC PRIMARY SCHOOL

Company No: 07696905

Registered Office: Queen's Drive, Swindon, Wiltshire, SN3 1AR

Tel: 01793 527679

www.holycross.swindon.sch.uk

✉: admin@holycross.swindon.sch.uk



Learn, Grow, Love, Live

Complaints Policy 2023-2026

Version	Date	Description of changes and person/organisation responsible
1.0	February 2023	Policy Updated
2.0	February 2024	Serial and Unreasonable Complaints Section Updated

People Responsible:	Headteacher Governing Body
Reviewed date:	February 2023
Next review date:	February 2026

Mission Statement

At Holy Cross Catholic Primary School,
we learn about ourselves and about the world.

We grow in faith,
we act with kindness, generosity and love
to ourselves and others.

We live life to the full and have a future full of hope.

1. Introduction:

The majority of issues raised by parents, the community or pupils, are concerns rather than complaints. Holy Cross Catholic Primary School is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. 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 Holy Cross Catholic Primary School 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 prime aim of our complaints policy is to resolve concerns or complaints fairly and speedily as possible. For the school to be able to investigate a complaint, it needs to be made within three months of the incident occurring. We will only consider complaints made outside of this time frame if exceptional circumstances apply.

When responding to complaints, we aim to:

- be impartial and non-adversarial;
- facilitate a full and fair investigation by an independent person or panel, where necessary;
- address all the points at issue and provide an effective and prompt response;
- respect complainants' desire for confidentiality;
- treat complainants with respect and courtesy;
- make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law;
- keep complainants informed of the progress of the complaints process;
- consider how the complaint can feed into school improvement evaluation processes.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals

2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE), including the model procedure, and model procedure for dealing with serial and unreasonable complaints.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

Scope

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- Admissions;
- statutory assessments of special educational needs (SEN);
- safeguarding matters;
- suspension and permanent exclusion;
- whistle-blowing;
- staff grievances;
- staff discipline.

Sometimes, where concerns are more specific, there are alternative and more appropriate policies for dealing with them. You can access these policies on the website or request a copy from the Clerk to Directors.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Roles and responsibilities

The complainant

The complainant will get a more effective and timely response to their complaint if they:

- follow these procedures;
- co-operate with the school throughout the process, and respond to deadlines and communication promptly;
- ask for assistance as needed;
- treat all those involved with respect;
- do not publish details about the complaint on social media.

The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- interview all relevant parties, keeping notes;
- consider records and any written evidence and keep these securely;
- prepare a comprehensive report to the headteacher or complaints committee, which includes the facts and potential solutions.

The complaints co-ordinator

The complaints co-ordinator can be:

- the headteacher;
- the designated complaints governor;
- any other staff member providing administrative support.

The complaints co-ordinator will:

- keep the complainant up to date at each stage in the procedure;
- make sure the process runs smoothly by liaising with staff members, the headteacher, chair of governors, clerk and local authority;
- be aware of issues relating to:
 - Sharing third party information
 - Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person
- keep records.

Clerk to the governing board

The DfE strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings;
- arrange the complaints hearing;
- record and circulate the minutes and outcome of the hearing;
- notify all parties of the panel's decision in writing summarising the discussion.

The Role of the Chair of the Governing Body or the nominated governor

The nominated governor's role is to check the correct procedure has been followed.

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;

- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it;
- ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- the hearing is as informal as possible.
- witnesses are only required to attend for the part of the hearing in which they give their evidence.
- after introductions, the complainant is invited to explain their complaint, and be followed by their witnesses;
- the headteacher may question both the complainant and the witnesses after each has spoken;
- the headteacher is then invited to explain the school's actions and be followed by the school's witnesses;
- the complainant may ask question of both the Headteacher and the witnesses after each has spoken;
- the panel may ask questions at any point;
- the complainant is then invited to sum up their complaint;
- the headteacher is then invited to sum up the school's actions and response to the complaint;
- both parties leave together while the panel decides on the issues;
- the Chair explains that both parties will hear from the panel within a set time scale.

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- what has happened;
- who was involved;
- what the complainant feels would put things right.

Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the first school day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- set new time limits with the complainant;
- send the complainant details of the new deadline and explain the delay.

Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4666, or by emailing enquiries@ofsted.gov.uk.

An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6. Stages of Complaint

There are three main stages.

Stage One: Informal concerns

Stage Two: Formal Complaint at school level

Stage Three: Formal Complaint at Governing Board

Significant complaints will be logged with the complaints coordinator by the school including the outcomes at each stage. The complaints coordinator is the headteacher for Stages 1 and 2. At Stage 3, the complaints co-ordinator is the Clerk to the Board of Governors.

The following details outline the three stages that can be used to resolve complaints, (see Appendix 3 for a summary).

Stage 1 – Raising a concern informally with a staff member and/or headteacher

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The complainant should raise the complaint as soon as possible with the relevant member of staff or the headteacher as appropriate, either in person or by letter, telephone or email. If unclear who to contact or how to contact them, they should contact the school office by phone on 01793 527679 or by email on admin@holycross.swindon.sch.uk

The person raising the concern may request it is recorded or the staff member may decide the concern is recorded in which case the staff member will make a log of the concern and the outcomes with the school complaints coordinator.

On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at Stage 1, please write or call the school within 10 school working days and state what you would like the school to do. The Headteacher will then look at your complaint under Stage 2 of the procedure.

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

Stage 2 – Formal Complaint heard by the headteacher

Formal complaints shall be put in writing and addressed to the headteacher (see Appendix 1). The complaint will be logged, including the date it was received. The school will normally acknowledge receipt of the complaint within 2 school working days of receiving it. The headteacher will investigate the complaint and respond in writing. The headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. In many cases, this response will also report on the action the school has taken to resolve the issue. Additionally, a meeting may be convened to discuss the matter further. This meeting will normally take place within 10 school working days of the headteacher receiving the written complaint. The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 15 days.

If you are not satisfied with the result at Stage 2, please move to Stage 3 of the Policy within 10 school working days of receiving the school's formal response from Stage 2.

Stage 3 – Formal Complaint heard by the Governing Body Complaints Appeal Panel (see Appendix 2)

Please note: complaints cannot proceed to Stage 3 without having first been through Stages 1 and 2. The only exception to this is if the complaint is against the headteacher.

The complaints co-ordinator for Stage 3 is the Clerk to the Board of Governors. Please send an updated Complaints Form (Appendix 2) to the Clerk to the Board giving details of the complaint and actions to date. The Clerk will convene a panel. You will be invited to attend the hearing and accompanied if you wish. The hearing will normally take place within 15 school working days of the receipt of the written request for Stage 3 investigation. If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties.

The panel will comprise three members and must include one member who is independent of the management and running of the school.

The remit of the Appeal Panel hearing is to 'hear' from all relevant parties in relation to the complaint raised. The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

All parties will be notified of the Panel's decision in writing within three school working days after the date of the hearing. The letter will also contain what you need to do if you wish to take the matter further.

At the meeting

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 will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We don't encourage either party to bring legal representation, but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and headteacher.

7. Resolving Complaints

At each stage in the procedure, Holy Cross Catholic Primary 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.

8. Withdrawal of Complaint

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

9. Complaints Against the headteacher

Complaints made against the headteacher should be directed to the Clerk to the Governing Board by emailing: apenfold@holycross.swindon.sch.uk in the first instance.

Then if necessary formally as in Stage 2. The Chair of the Governing Body will make arrangements for your complaint to be investigated. Following the investigation, the Chair will give a written response within 10 school working days. If the matter is not resolved the complaint can be heard by the Governors' Complaints Panel, Stage 3.

10. Complaints against a member of the Board of Directors (Governors) (Who is not a staff member and/or Headteacher)

Complaints should be made in writing to the Clerk to the Governing Board by emailing: apenfold@holycross.swindon.sch.uk

Complaints about governors are managed by the Chair of Governors.

Complaints about the Chair of Governors are managed by the Vice Chair of Governors. The Chair or Vice Chair of the Governing Body will make arrangements for your complaint to be investigated. Following the investigation, the Chair will give a written response within 10 school working days.

Process and Possible Outcomes:

- The chair informs the governor against whom the complaint is made of the content of the complaint and how it will be managed.
- The governing board is informed of the date of the complaint and which governor it was made against, but nothing more.
- The chair arranges a meeting with the complainant to determine the nature of the complaint.
- The complainant should be able to supply evidence to substantiate their complaint. Where appropriate, the complaint can be resolved at this initial meeting. In this case, no further action needs to be taken.
- Where the complaint cannot be resolved at the initial meeting, the chair meets the governor concerned and explains the complaint to them to allow them to respond.
- The chair writes a letter to the complainant informing them of the outcome of their complaint.

Outcomes of the complaint could include:

- the complaint being dismissed;
- the complaint being partially upheld;
- the governor being invited to resign, or being suspended or removed from the governing board.

11. 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 re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The DfE also looks at whether the school's statutory policies adhere to education legislation.

The DfE will intervene where a school has:

- failed to act in line with its duties under education law;
- acted (or is proposing to act) unreasonably when exercising its functions.

If the complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

The complainant can refer their complaint to the Department for Education 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.

12. Serial and Unreasonable complaints

Holy Cross Catholic Primary School 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. 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.

Holy Cross Catholic Primary School 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 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.

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.

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 Holy Cross Catholic Primary School 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 Holy Cross Catholic Primary School.

13. Record keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law and our privacy notices

14. Monitoring arrangements

The governing board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly. The governing board will track the number and nature of complaints, and review underlying issues.

This policy will be reviewed by the headteacher and full governing board every 2 to 3 years. At each review, the policy will be approved by the full governing board and the headteacher.

15. Links with other policies

Policies dealing with other forms of complaints include:

- Child Protection and Safeguarding Policy and Procedures
- Admissions Policy
- Exclusion Policy
- SEN policy and Information Report

16. Contacts:

Headteacher:
Mrs S. Dowdeswell
Via: admin@holycross.swindon.sch.uk

Office Manager:
admin@holycross.swindon.sch.uk

Clerk of Governors:
apenfold@holycross.swindon.sch.uk

School Address:
Queen's Drive, Swindon, Wiltshire. SN3 1AR
Telephone: 01793 527679

Department for Education:
www.education.gov.uk/contactus,
0370 000 2288
Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD.

The Remit of the Complaints Appeal Panel

The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which any governor sitting on a complaints panel needs to remember:

- It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The governors sitting on the panel need to be aware of the complaints procedure.

Appendix 1 – Holy Cross Catholic Primary School Concerns and Complaints Form

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name:	Your relationship to the pupil:
Address:	
Postcode:	
Day time telephone number:	
Evening telephone number:	
Email Address:	
Please give details of your concern/complaint	
What action, if any, have you already taken to try and resolve your concern/complaint. (Who did you speak to and what was the response)	

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What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.
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Signature:	Date:
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Official use Date acknowledgement sent: By who:

Concern/Complaint referred to:

Date:

Appendix 2 – Holy Cross Catholic Primary School Concerns and Complaints Form

Please complete and return to the Clerk of the Chair of Governors who will acknowledge receipt and explain what action will be taken.

Your name:	
Pupil's name:	Your relationship to the pupil:
Address:	
Postcode:	
Day time telephone number:	
Evening telephone number:	
Email Address:	
Please give details of your concern/complaint	
What action, if any, have you already taken to try and resolve your concern/complaint. (Who did you speak to and what was the response)	

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What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.
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Signature:	Date:
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Official use Date acknowledgement sent: By who:

Concern/Complaint referred to:

Date:

Appendix 3

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