



THE JOHN FISHER SCHOOL  
FOUNDED 1929

## **Complaints Policy**

## Contents

1. Definitions and aims .....	2
2. Legislation and guidance .....	3
4. Roles and responsibilities .....	4
5. Principles for investigation .....	5
6. Informal concerns .....	6
7. Stages of complaint (not complaints against the headteacher or governors) .....	6
8. Complaints against the headteacher, a governor or the governing board.....	9
9. Referring complaints on completion of the school's procedure.....	11
10. Unreasonable and persistent complaints.....	11
11. Record keeping and confidentiality.....	13
12. Learning lessons .....	14
13. Monitoring arrangements.....	14
14. Links with other policies .....	14

---

## 1. Definitions and aims

### 1.1 Definitions

The DfE best practice guidance for school complaints procedures 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 or statement of dissatisfaction however made, about actions taken or a lack of action”

In most cases, a concern can be resolved through informal means. A complaint will generally follow formal procedures.

### 1.2 Aims

When responding to complaints, we will:

- Be impartial and non-adversarial
  - Facilitate a full and fair investigation
-

- 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 by informal means wherever possible. Where this is not possible, the formal complaints procedures will be followed.

The school will 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' special needs or disability.

As a Catholic school, our attitude to complaints is guided by our desire to work collaboratively with parents and carers, the first and most important educators of their children.

## 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 procedures for complaints and for managing serial and unreasonable complaints.

## 3. Scope

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
- School re-organisation proposals
- Curriculum
- Collective worship

Please see our separate policies for procedures relating to these types of complaint. In addition, we reserve the right to pause the complaints procedure in the event that legal proceedings are threatened or commenced against the school.

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

## **4. Roles and responsibilities**

### **4.1 The complainant**

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

- Follow these procedures
- Explain the complaint in a concise and measured way as early as possible
- 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 approach individual governors about the complaint
- Do not publish details about the complaint on social media and respect confidentiality

### **4.2 The investigator**

The investigator will be an individual appointed in accordance with the policy (for example at Stage 1 this would usually be the headteacher or a designated member of the school leadership team) to look into the complaint and establish the facts relevant to the complaint. They will:

- Interview all parties who the investigator deems relevant, keeping notes
- Consider records and any other relevant information and keep these securely
- Prepare a comprehensive report, which includes the facts and potential recommendations.

### **4.3 The complaints co-ordinator**

The complaints co-ordinator can be:

- A designated complaints governor (if appointed)
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Ensure 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 (LA)
- 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 of the complaint and the final outcome, and make sure that the data is kept secure and in accordance with data protection legislation.

#### **4.4 Clerk to the governing board**

The clerk will:

- Be the contact point for the complainant and the complaints panel, including circulating the relevant papers and evidence before complaints panel meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

#### **4.5 Complaints Panel**

The complaints panel will:

- Consider the complaint based on the evidence presented as part of the Stage 1 investigation and any relevant new evidence presented during the Stage 2 process. The panel will focus on the elements of the complaint which the complainant has stated they did not feel were sufficiently addressed in the Stage 1 response. They will not re-investigate the complaint.
- Make findings about each complaint on the balance of probabilities, with reasons for making such findings.
- Make recommendations where appropriate.

#### **4.6 Complaints Panel chair**

The chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the panel, and are allowed to present their case.

### **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

#### **5.1 Timescales**

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 complaints outside of this time frame in circumstances where there were exceptional 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.

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.

## **6. Informal concerns**

Our 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.

The complainant should raise the concern as soon as possible within the timescales set out in section 5.1.

The concern should be addressed to the relevant member of school staff or the headteacher, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office via [johnfisherschool@johnfisherschool.org](mailto:johnfisherschool@johnfisherschool.org).

The school will acknowledge informal concerns within five school days, which will confirm how the school intends to proceed, including an indication of the anticipated timescale.

The informal stage will involve a meeting between the complainant and the headteacher and/or the subject of the concern, if appropriate. A written response will be provided by the school within five school days following the informal meeting.

If the concern is not resolved informally, it will be escalated to a formal complaint. If the complainant wishes to raise a formal complaint from the outset they may proceed to Stage 1 (below): there is no obligation for the complaint to be treated as an informal concern first. In addition, the school may treat a complaint as formal from the outset if it is apparent that the issues raised are not suitable for consideration under the informal stage of the policy.

## **7. Stages of complaint (not complaints against the headteacher or governors)**

We have adopted a two-stage process for dealing with complaints:

Stage 1 – formal investigation

Stage 2 – review panel

### **7.1 Stage 1: formal**

Formal complaints can be raised:

- By letter or email (this is preferred)
- Over the phone

- In person
- By a third party acting on behalf of the complainant, as long as they have appropriate consent to do so.

The complainant should provide details such as relevant dates, times, and what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact the school office via [johnfisherschool@johnfisherschool.org](mailto:johnfisherschool@johnfisherschool.org)

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

The headteacher (or designated member of the senior leadership team) will contact the complainant to clarify the scope of the complaint and to ascertain how the complainant considers the matter may be resolved; this may be by way of a face to face meeting if appropriate. The complainant may be accompanied to this meeting by a friend or relative, and should inform the school of the identity of their companion in advance.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct their own investigation. The headteacher or other investigator will interview those involved in the matter (if necessary) and will keep a written record of any meetings or interviews in relation to the investigation. The written conclusion of this investigation will be sent to the complainant within fifteen school days of the date the complaint is received.

Where appropriate, the school may appoint an external investigator to investigate the complaint at Stage I. The external investigator will provide their findings to the relevant nominated person at the school who is responsible for responding to the complaint (for example, the headteacher or a governor where a complaint is about a headteacher in accordance with section 8 of this policy). The nominated person will consider the investigation findings and will write to the complainant to provide a response to the Stage I complaint.

### **How to escalate a complaint**

If the complainant wishes to proceed to the next stage of the procedure, they must inform the clerk to the governing board within five school days of receipt of the Stage I response. Requests received outside of this timeframe will only be considered in exceptional circumstances.

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email via the following email address:  
[EducationClerking@lbcccloudadcroydongov.onmicrosoft.com](mailto:EducationClerking@lbcccloudadcroydongov.onmicrosoft.com)
- Over the phone
- In person
- Through a third party acting on behalf of the complainant, so long as they have the appropriate consent to do so.

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The clerk will acknowledge receipt of the request within five school days.

## **7.2 Stage 2: submit the complaint to the review panel**

### **Convening the panel**

The review panel consists of the first three members of the governing board available who don't have direct knowledge of the complaint. These individuals will have access to the existing record of the complaint's progress. The governors will select a panel chair from among themselves.

If not enough impartial governors are available, we will seek panel members from other schools, the local authority or the diocese. We will make sure the governors we source are suitably skilled and can demonstrate that they are independent and impartial.

The complainant will be given reasonable notice of the date of the review panel. The clerk will aim to find a date within fifteen school days of the request, where possible.

If the complainant rejects the offer of three proposed dates without good reason, the clerk will set a date. In such circumstances, the hearing will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least five school days before the date of the meeting. The panel will not normally accept as evidence recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded. The panel 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 board will ensure that the hearing is properly minuted by the clerk.

### **At the meeting**

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's 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 (usually the individual who responded to the Stage 1 complaint), 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 by a companion such as a friend or relative if they wish. Legal representation is not necessary, but the school recognises that there may be circumstances where this is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to



be supported by their union or legal representative. The clerk to the governing board must be given 5 school days' notice if the complainant wishes to be accompanied by a person who is legally qualified. The role to be played by any legal representative will be at the discretion of the Chair of the panel, and they will not be permitted to act as an advocate or to address the panel unless invited to do so by the Chair. If a complainant commences legal action against the school in relation to their complaint, the complaints procedure may be suspended pending the conclusion of those legal proceedings.

Complaints about staff conduct will not be handled under this complaints procedure, but rather under separate HR procedures (which are strictly confidential), if appropriate. Outcomes will not therefore be shared with the complainant.

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 and at the Chair's discretion to present their evidence.

Once the complainant and school representatives have completed presenting their cases, they will be asked to leave, and evidence will then be considered.

The panel will then make findings about each complaint on the balance of probabilities and may make recommendations to the school from the complaint.

### **The outcome**

The panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the panel will:

- Decide the appropriate action 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 panel will provide the complainant and [the headteacher](#) with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Department for Education (DfE) if they are dissatisfied with the way their complaint has been handled (see Section 9).

## **8. Complaints against the headteacher, a governor or the governing board**

### **8.1 Stage 1: formal**

Complaints that involve or are about the headteacher should be addressed to the chair of governors, via the school office, and marked as private and confidential.

Complaints about the chair of governors, any individual governor or the whole governing board should be addressed to the clerk to the governing board via the school office, marked as private and confidential.

If the complaint is about the headteacher or a member of the governing board (including the chair or vice-chair), a suitably skilled and impartial governor will carry out the steps at stage 1 (set out in section 7 above). As noted above, an external investigator may be appointed if this is considered appropriate by the school.

If the complaint is:

- Jointly about the chair and vice-chair
- The entire governing board
- The majority of the governing board

An independent investigator will carry out the steps in stage 1 (set out in section 7 above). They will be appointed by the governing board and will write a formal response at the end of their investigation.

### **How to escalate a complaint**

If the complainant wishes to proceed to the next stage of the procedure, they must inform the clerk to the governing board in writing within five school days of receipt of the Stage 1 response. Requests received outside of this timeframe will only be considered in exceptional circumstances.

Complaints can be escalated by contacting the clerk to the governing board:

- By letter or email
- Over the phone
- In person
- Through a third party acting on behalf of the complainant, as long as they have appropriate consent to do so

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint.

The clerk will acknowledge receipt of the request within five school days.

### **8.2 Stage 2: review panel**

If the complaint is about the headteacher or a member of the governing board (including the chair or vice-chair), a panel of members of the governing board will hear the complaint. They will carry out the steps at stage 2 (set out in section 7 above).

If the complaint is:

- Jointly about the chair and vice-chair
- The entire governing board
- The majority of the governing board

A panel of independent governors will hear the complaint. They will be sourced from local schools, the local authority or diocese and will carry out the steps at stage 2 (set out in section 7 above).

## **9. Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the DfE.

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.

For more information or to refer a complaint, see the following webpage:

[www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school)

We will include this information in the outcome letter to complainants.

## **10. Unreasonable and persistent complaints**

### **10.1 Unreasonable complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may be regarded as unreasonable if the person:

- 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 while still wishing their complaint to be resolved
- 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 that 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

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, insulting, offensive or discriminatory language or violence
- Knowingly providing falsified information
- Publishing unacceptable information on social media or other public forums

Please note that the above list is not intended to be exhaustive and is for guidance purposes only.

Complainants should try to limit their communication with the school 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.

### **Steps we will take**

We will take every reasonable step to address the complainant's comments and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

A complaint may also be considered unreasonable if it is manifestly unjustified, inappropriate, or an improper use of formal procedure. In assessing this, the school shall have regard to all the circumstances of the case and the nature of the complaint itself rather than the nature of the complainant. In assessing all of the circumstances of the case the school will consider a range of factors including:

- whether a complaint has reasonable foundation;
- the history and context of the complaint (and any evidence where relevant);
- whether the time and cost of investigating the complaint is proportionate to the issue(s) complained of;
- whether an investigation of the complaint is likely to cause a disproportionate or unjustified level of disruption, irritation or distress;
- unexplained delay in raising a complaint or issue;
- if the purpose of the complaint is to obtain an outcome which is unavailable via the complaints procedure, such as a claim for compensation, damages or a refund of fees paid;
- any evidence of a complaint being brought for an improper purpose.

### **10.3 Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If a duplicate complaint is raised, which in the view of the school, warrants further consideration, the procedure outlined in section 6 or 7 (as appropriate) will be repeated.

### **10.4 Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants
- Inviting complainants to submit individual complaints if it is not possible or appropriate for the school to investigate and respond to a group complaint, for example, where doing so would not be compliant with data protection legislation.

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## **11. Record keeping and confidentiality**

Our 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 stored securely, 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, our privacy notices and Records Retention Policy.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

## **12. Learning lessons**

The governing board will review any underlying issues raised by complaints with the headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## **13. Monitoring arrangements**

The governing board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly, and will track the number and nature of complaints, and review underlying issues as stated in section 11.

The complaints records are logged and managed by the Headteacher's PA/Office Manager.

This policy will be reviewed by the headteacher every two years.

At each review, the policy will be approved by the Teaching, Learning & Standards Committee.

## **14. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- Special educational needs policy and information report
- Privacy notices



THE JOHN FISHER SCHOOL  
FOUNDED 1929

Policy:	Complaints Policy
Date of latest revision:	September 2024
Version:	2
Changes made during latest revision:	Minor changes, formatting
Governors' Committee responsible:	TLS
Date Approved by governors:	
Date of next review:	