St John and St Nicolas Schools Federation | For the good of all through curiosity, creativity and love

Policy Title:	**Complaints Policy & Procedure**
Policy Reference:	**SJN019**
Description:	Complaints Policy & Procedure
Status:	Adopted by Governing Board
Category:	Statutory
Review frequency:	Annually
Contact:	governors@stjohnandstnicolasschools.org.uk
Version:	**V1.3**
Other relevant policies:	Confidential Reporting Code, Disciplinary Procedure, Grievance
Date for Review:	February 2026

Change Record				
Version Number	**Date Approved**	**Governing Board Minute Reference**	**Description of Amendments**	**Review Date**
1.0	6.12.21	*FGB Minutes 06.12.21*	*New policy for federation approved by FGB*	*Dec 2022*
1.1	6.2.23	*FGB Minutes 06.02.23*	*Reviewed by Policies Working Party (see tracked changes) and recommended for ratification*	*Feb 2024*
1.3	5.2.24	*FGB Minutes 5.2.24*	*Update version number/date*	*Feb 2025*
	25.2.25	*S&C Minutes 25.2.25* *FGB Minutes 31.3.25*	*Update version number/date, index, include managing complaints information, change wording Chairs/Co-chairs' Chair or Vice Chair of Governors and change the phone number from that of Quality and Safeguarding to CAAS*	*Feb 2026*
1.4				

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St John and St Nicolas Schools Federation

Complaints Policy and Procedure

At St John and St Nicolas Schools Federation, our vision is 'For the good of all – through curiosity, creativity and love.' This vision inspires everything that the federation does. It applies equally to all the federation's policies with the intention that our policies impact as fairly and positively as possible to meet the needs of all members of our schools' community.

1: 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 John and St Nicolas Schools Federation about any provision of facilities or services that are provided. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the federation will use this complaints procedure.

2: 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, without the need to use the formal stages of the complaints procedure. The federation 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, your views will be respected. In these cases, the executive headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the executive headteacher 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.

The federation understands however, that there are occasions when people would like to raise their concerns formally. In this case, the federation will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

3: How to raise a concern or make a complaint
A concern or complaint can be made in person, in writing, by email 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. Concerns should be raised with either the class teacher or head of school. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual 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 2 of the procedure.
Complaints against school staff (except the executive headteacher) should be made in the first instance, to the executive headteacher via either school office**.** Please mark them as Private and Confidential. Complaints that involve or are about the executive headteacher should be addressed to the clerk to the governing board, via either school office. Please mark them as Private and Confidential. Complaints about the Chair or Vice Chair of Governors, any individual governor or the whole governing board should be addressed to the clerk to the governing board via either school office. 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 Citizens' Advice to help you. In accordance with equality law, the federation 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.

4: Anonymous complaints
The federation will not normally investigate anonymous complaints. However, the executive headteacher or Chair or Vice Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

5: 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. The federation will consider complaints made outside of this time frame if exceptional circumstances apply.

6: Complaints received outside of term time
The federation will consider complaints made outside of term time to have been received on the first school day after the holiday period.

7: Scope of this Complaints Procedure
This procedure covers all complaints about any provision of community facilities or services by St John and St Nicolas Schools Federation, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	**Who to contact**
• Admissions to schools • Statutory assessments of Special Educational Needs • School re-organisation proposals	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with West Berkshire Council.
• Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under the federation's 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) by phone 01635 503153 or email LADO@westberks.gov.uk.
• Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions. **complaints about the application of the behaviour policy can be made through the federation's complaints procedure. This can be found on the federation website or a hard copy is available through either of the school offices.*
• Whistleblowing	The federation has an internal whistleblowing procedure for all their employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their

	employer. Referrals can be made at: www.education.gov.uk/contactus. Volunteer staff who have concerns about the federation should complain through the federation'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.
• Staff grievances	Complaints from staff will be dealt with under the federation's internal grievance procedures.
• Staff conduct	Complaints about staff will be dealt with under the federation's internal disciplinary procedures, if appropriate. 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.
• Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
• National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, Local Authority (LA) safeguarding teams or Tribunals, this may impact on the federation's 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 John and St Nicolas Schools Federation in relation to their complaint, the federation will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

8: Resolving complaints

At each stage in the procedure, the federation want to resolve the complaint. If appropriate, the federation will acknowledge that the complaint is upheld in whole or in part. In addition, the federation 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 the federation 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 federation policies in light of the complaint
- An apology

9: Withdrawal of a Complaint
If a complainant wants to withdraw their complaint, the federation will ask them to confirm this in writing.

10: Managing Serial, Persistent and Vexatious Complaints
There may be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, the federation will inform them that the procedure has been completed and that the matter is now closed.

If the complainant then contacts the federation on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the federation may choose not to respond.

The federation will consider the following characteristics of complaint to be vexatious:
- Complaints, which are obsessive, persistent, harassing, prolific, repetitious
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- Insistence upon pursuing meritorious complaints in an unreasonable manner
- Complaints which are designed to cause disruption or annoyance
- Demands for redress that lack any serious purpose or value.

The decision to stop responding to complaints should never be taken lightly. The federation will need to be able to assert that all of the following are true:
- The federation has taken every reasonable step to address the complainant's concerns
- The complainant has been given a clear statement of the federation's position and their options
- The complainant contacts the federation repeatedly, making substantially the same points each time.

The case to stop responding becomes stronger if one or more of these statements is true:
- The complainant's letters, emails or telephone calls are often or always abusive or aggressive
- They make insulting personal comments about or threats towards staff
- The federation has reason to believe that the individual is contacting with the intention of causing disruption or inconvenience.

The federation will inform the complainant if the decision is taken to stop responding.

Stage 1 Formal complaints must be made to the executive headteacher (unless they are about them), via either school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone. The executive headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the executive headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The executive headteacher can consider whether a face to face meeting is the most appropriate way of doing this. *Note: The executive headteacher may delegate the*

investigation to another member of the federation's senior leadership team but not the decision to be taken.

During the investigation, the executive headteacher (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 conclusion of their investigation, the executive headteacher will provide a formal written response within 15 school days of the date of receipt of the complaint. If the executive headteacher 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 the federation will take to resolve the complaint. The executive headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the executive headteacher, or a member of the governing board (including the Chair or Vice Chair of Governors), a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the executive headteacher or member of the governing board must be made to the clerk, via either school office.

If the complaint is:

- Jointly about the co-chair(s) and co-vice-chair(s) or
- The entire governing board or
- The majority of the governing board

Stage 1, will be considered by an independent investigator appointed by the governing board or the Diocese if more appropriate. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Stage 2 If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a meeting with members of the governing board's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure. A request to escalate to Stage 2 must be made to the clerk, via either school office, within at least 15 school days of receipt of the Stage 1 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 at least 5 school days.

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

The clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 2 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 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.

The complaints' committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the chair of the complaints committee. If there are fewer than three governors from St. John and St. Nicolas Schools Federation available, the clerk will source any additional, independent governors through another local school or through the LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, the federation 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 staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the clerk will:

- Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if 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 to be submitted to the committee at least 5 school days before the meeting

Any written material will be circulated to all parties at least 5 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 federation's systems or procedures to prevent similar issues in the future

The chair of the committee will provide the complainant and St John and St Nicolas Schools Federation with a full explanation of their decision and the reason(s) for it, in writing, within 10 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 the federation.

If the complaint is:

- Jointly about the co-chair(s) and co-vice-chair(s) or
- The entire governing board or
- The majority of the governing board

Stage 2, will be heard by a committee of independent governors. 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 the federation will take to resolve the complaint.

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

11: Next Steps

If the complainant believes the federation 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 Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the federation. They will consider whether the federation has adhered to education legislation and any statutory policies connected with the complaint. 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: Complaint Form - See Appendix 1
Please complete and return to either the executive headteacher or clerk to the governors as appropriate who will acknowledge receipt and explain what action will be taken.

13: 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 federation 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 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 and the complaints co-ordinator 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 executive headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems
  The executive headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details

Complaints Co-ordinator: (this could be the executive headteacher, head of school, designated complaints governor or other staff member providing administrative support). The complaints co-ordinator should:

- Ensure that the complainant is fully updated at each stage of the procedure
- Liaise with staff members, executive headteacher, co-chair(s) of governors, clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure

- Be aware of issues regarding: sharing third party information; additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- Keep records

Clerk to the Governing Board

The clerk is the contact point for the complainant and the committee and 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
- Collate any written material relevant to the complaint (for example; stage 1 paperwork, federation 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 federation are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- 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
- They liaise with the clerk and complaints coordinator

Committee Member

Committee members should be aware that:

- The meeting must be independent and impartial, and should be seen to be so
- No 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 and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child does not feel intimidated. The committee should respect the views of the child and give them equal consideration to those of adults. If the child is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child to attend a part of the meeting that the committee considers is not in the child's best interests. The welfare of the child is paramount.

Appendix 1 - Complaint Form - Please complete and return to either the executive headteacher or clerk to the governors 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 anybody in the federation 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: