



SOUTHWARK DIOCESAN BOARD OF EDUCATION  
BELONG SERVE THRIVE

# **POLICY STATEMENT COMPLAINTS PROCEDURE**

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## **POLICY STATEMENT COMPLAINTS POLICY**

### **Statement of Intent**

Leaders and Governors at Saint John the Divine Church of England Primary School take all concerns or complaints seriously. Taking informal concerns seriously at the earliest stage reduces the number of formal complaints and reflects the commitment to working effectively with all members of the community.

This procedure aims to ensure that:

- as far as possible all concerns should be dealt with as informally as possible;
- all complaints are dealt with as quickly and sensitively, and by the person most appropriate to do so;
- where a formal process is required, the steps involved are clearly outlined; and people are aware of their responsibilities

### **Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at Saint John the Divine Church of England Primary School. Any person, including members of the public, may make a complaint 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, without the need to use the formal stages of the complaints procedure. We take 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 Headteacher will refer you to another staff member. Similarly, if a member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another appropriate 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 as a complaint. In this case, Saint John the Divine Church of England Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

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

Concerns are the first stage in the complaint process and we make every effort to resolve concerns as quickly as possible.

A concern may be raised in person, in writing, or by telephone. A concern may also be raised by a third party acting on behalf of the individual, provided the school has appropriate written consent.

Concerns must be raised with the class teacher, subject leaders, phase leader, SENDCo Deputy Headteacher or the Headteacher. If the concern is not resolved, the complainant can submit a formal complaint.



## How to make a complaint

If concern have not been resolved, then the complainant can submit a formal complaint.

- Formal complaints must be submitted in writing using the school's official **Complaints Form**, which is available on the school website and the school office.
- The form must be submitted through the school office in person or via email [admin@sitd.primary.org.uk](mailto:admin@sitd.primary.org.uk)
- Using the official form ensures that the complaint is recorded accurately, tracked appropriately, and handled in accordance with this procedure.
- Formal complaints will only be accepted in writing on the school's Complaints Form. The school will provide support for any complainant who is unable to complete the form themselves; a member of staff will complete the form on their behalf, ensuring that the complainant's views are recorded fully and accurately.
- Complainants must not approach individual members of the Governing Body to raise concerns or complaints. Governors cannot act individually and doing so may prevent them from participating impartially at Stage 3 of the complaints procedure.
- Formal complaints about members of staff (other than the Headteacher) must be submitted in writing on the Complaints Form to the Headteacher via the school office, marked *Private and Confidential*.
- Formal complaints that involve or concern the Headteacher must be submitted in writing on the Complaints Form to the Chair of the Governing Body via the school office, marked *Private and Confidential*.
- Complaints about the Chair of the Governing Body, any individual Governing Body member or the whole Governing Body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

- The school will support complainants to follow the complaints process; however, complaints which are not submitted in line with this process will only be accepted in exceptional circumstances (e.g. where reasonable adjustments are required or where significant personal circumstances prevent the process from being followed.)

## Anonymous complaints

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

## Time scales

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

A complaint submitted outside the three-month time limit will only be accepted where clear evidence shows that the complainant was unable to raise the matter earlier due to one or more of the following exceptional circumstances:

### 1. Serious illness or medical incapacity

The complainant or the person directly involved was suffering from a serious medical condition, hospitalisation, or long-term incapacity that prevented them from raising the complaint.

### 2. Significant personal circumstances



Events such as bereavement, domestic crisis, or a legally recognised traumatic incident that directly impacted the complainant's ability to act.

### **3. Ongoing external investigation**

The complaint was subject to an active police, safeguarding, or regulatory investigation which prevented the matter from being raised with the school earlier.

### **4. Newly discovered evidence**

The complainant could not reasonably have known the key facts at the time of the incident, and the new evidence is material to the complaint.

### **5. The school's own actions caused a delay**

The complainant made reasonable attempts to raise the issue earlier, but delays by the school prevented the complaint from being submitted within the timeframe.

## **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**

This procedure covers all complaints about any provision of facilities or services at Saint John the Divine Church of England Primary School other than complaints that are dealt with under other statutory procedures, including those listed below.

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 the allegations against staff policy or staff disciplinary procedures, if appropriate, but outcomes will not be shared with them. Safeguarding allegations against staff will be handled under the school's Child Protection Policy.

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 this happens, we will inform you of a proposed new timescale.

If a complainant commences legal action against Saint John the Divine Church of England Primary School 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, we want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we will offer one or more of the following:

- an explanation of the findings of the investigation
- 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 Concerns**

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

- Concerns should be raised with either the class teacher, subject leader, senior Leader or Headteacher. Complainants should not approach individual Governing Body members 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.
- At the conclusion of their investigation into concerns raised, the appropriate person investigating will provide an informal response within 5 school days of the concern being raised.
- If the issue remains unresolved, the next step is to make a formal complaint.

### **Stage 2 Formal Complaints**

- Formal complaints must be made to the Headteacher (unless they are about the Headteacher), in writing on the school's complaints template, and submitted via the school office, either in person or via email [admin@sjtd.primary.org.uk](mailto:admin@sjtd.primary.org.uk)
- The Headteacher or a nominated Complaints Coordinator 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.
- The Headteacher may seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

Note: The Headteacher may delegate the investigation to another member of school staff but not the decision to be taken.

During the investigation, the 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 Headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail the 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 school will take to resolve the complaint. However, the outcome letter will not include, under any circumstances, information about any disciplinary action taken (or not taken) against staff or pupils. Disciplinary processes relating to staff or pupils are confidential and will not be shared with complainants. The school will only confirm that appropriate action has been taken in line with school policies and statutory requirements.

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



## **Stage 2: Complaints about the Headteacher**

If the complaint is about the Headteacher, the formal complaint must be submitted in writing on the school's official Complaints Form, addressed to the Chair of Governors, and submitted via the school office, either in person or at the address (Office email). The Chair will appoint a suitably skilled member of the Governing Body to carry out all Stage 2 actions.

## **Stage 2: Complaints about the Chair of Governors, Vice-Chair or Governing Board Member/s**

If the complaint is about the Chair of Governors, Vice-Chair, or an individual Governing Body member, the formal complaint must be submitted in writing on the school's official Complaints Form to the Clerk to the Governing Body, via the school office, either in person or via the school office email [admin@sjtd.primary.org.uk](mailto:admin@sjtd.primary.org.uk). The Clerk will arrange for a suitably skilled member of the Governing Body to complete all Stage 2 actions.

If the complaint is about:

- both the Chair and Vice-Chair, or
- the entire Governing Body, or
- a majority of Governing Body members,

then the complaint must still be submitted in writing on the Complaints Form via the school office, addressed to the Clerk. In these circumstances, Stage 2 will be escalated to and managed by the Southwark Diocesan Board of Education (SDBE) or the Local Authority (LA), who will appoint an appropriate independent person to carry out the investigation and Stage 2 actions.

## **Stage 3 - Panel Hearing**

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they may request that the complaint be escalated to Stage 3. Stage 3 is a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint, including one panel member independent of the management and running of the school. This is the last stage of the complaints procedure and any decision at this stage is final.

A request to escalate to Stage 3 must be submitted in writing to the Clerk via the school office [admin@sjtd.primary.org.uk](mailto:admin@sjtd.primary.org.uk), within 10 school days of receiving the Stage 2 response and must include the original Complaints Form.

Requests received outside the 10-day timeframe will only be considered where exceptional circumstances have prevented the complainant from submitting the request sooner (see previous exceptional circumstances).

Upon receipt of a Stage 3 request, three governors who have not previously been involved in the matters detailed in the complaint, will review the request to determine whether the grounds for appeal have been met. A panel hearing will be convened only where these representatives of the Governing Body are satisfied that:

- the correct procedure was not followed at Stage 2; or
- new, relevant, and significant information has come to light that was not available at Stage 2; or
- the outcome at Stage 2 is clearly unsupported by the evidence considered; or
- there has been a demonstrable procedural or administrative error.

If the complaint was about the Headteacher and therefore investigated by the governing body the decision to proceed to stage three will be made by either the SDBE or LA.



If the Governing Body (or SDBE/LA) determines that the grounds for appeal have **not** been met, the Clerk will write to the complainant to explain that the matter will not proceed to a panel hearing and that the Stage 2 outcome represents the school's final response.

Where the Governing Body (SDBE/LA) agrees that grounds for appeal are met, the Clerk will:

- record the date the Stage 3 request was received;
- acknowledge receipt in writing (letter or email) within **5 school days**;
- convene a panel hearing within 20 school days of receiving the request, or provide an anticipated date where this is not possible and keep the complainant updated.

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.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Governing Body or
- the majority of the Governing Body

Stage 3 will be heard by an independent panel.

At least 7 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 3 school days before the date of the meeting. The panel will not 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 meeting will be held in private and minuted. Electronic recordings of meetings or conversations are not 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.

If the complainant is invited and present, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the panel hearing. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union representative.

The panel will consider the complaint and all the evidence presented. The panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the panel 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 Panel will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within 15 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.

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 school will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the Headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 requests access to them.

### **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 DfE after they have completed Stage 3.

The DfE will not reinvestigate the substance of complaints or overturn any decisions made by Saint John the Divine Church of England Primary School Governing Body. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint and whether they have been followed.

### **Managing Serial and Persistent Complaints**

We recognise that despite all stages of the complaint procedure having been followed, there may be a situation when a complainant remains dissatisfied. If a complainant tries to re-open the same issue, we will inform them that the procedure has been completed and that the matter is now closed.

If the complainant makes contact again on the same issue, the correspondence may then be viewed as 'serial' or 'persistent' and the school may choose not to respond. A complaint will not be marked as 'serial' before the complainant has completed the procedure.

A complainant will not be marked as 'serial' for exercising their rights to refer their complaint to their MP. Regardless of which stage the complaint has reached.

For further information on serial, persistent or vexatious complaints, see Persistent & Vexatious Complaints Policy



## **Complaint Form**

The complaint forms for both Stage 2 and Stage 3 are available on the school's website and are also available from the school office. Please complete and return to the school office in person or via email to [admin@sjtd.primary.org.uk](mailto:admin@sjtd.primary.org.uk). Either the Headteacher or Complaint Coordinator will acknowledge receipt and explain what action will be taken.

## **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

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
- conducting a sensitive and thorough interview 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 Headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The Headteacher or Chair of Governors (when complaint is about the Headteacher) 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 (where appointed)

The complaints Co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure



- liaise with staff members, Headteacher/Headteacher, Chair of the Governing Body and Clerk, 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 Body

The Clerk is the contact point for the complainant and the complaints 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, 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 panel's decision.

### **Stage 3 Complaint Panel Chair**

The panel 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 panel 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, 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 panel is open-minded and acts independently
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted

### Stage 3 Complaints Panel Member



Panel members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no Governing Body member may sit on the panel 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