



Policy for dealing with Complaints

November 2017

Date of Approval:

Date of Next Review:

Signed: _____
(Chair of Governors)

Signed: _____
(Headteacher)

We put Jesus at the
heart of everything
that we do.

special **kind** unique inventive
generous awesome gentleness
purity helpful good **positive**
expressive enjoyable caring
adventurous bouncy zingy
fun **truth** colourful superb
confident **polite** **compassion**
friendly enthusiastic marvellous
comforting nice remarkable
happy **magnificent** great
meaningful forgiveness
exceptional **joy** wonderful
interesting creative hopeful
incredible **spectacular**
original **brilliant** **peace**
lovely service outstanding
dynamic **amazing**
dignity fabulous impressive
beautiful **sacrifice**
glorious **fantastic** **tolerance**
exciting terrific delicious
integrity cool considerate
phenomenal laughing funny
sharing **humility** loving
energetic **smiling** captivating
justice encouraging mercy
gracious **faithful** important
supporting delightful **thankful**
hard-working tremendous



St. Peter's
Catholic Primary School

At St. Peter's Catholic Primary School, our Mission is to put Jesus at the heart of everything we do. We aim to follow the example set by Jesus Christ to be the best we can be all of the time. We follow His example and strive to provide our children, families, staff and stakeholders a wonderful and enriching educational experience. We acknowledge that sometimes, individuals and families may have cause for complaint and we have created the 'Complaints Procedure' to ensure all complaints are dealt with effectively, in line with our Catholic character. This document supports and advises school staff and the Governing Body in the implementation of the Complaints Procedure. At all times, we strive to take action that is in line with our Catholic Character.

This document is written to support the School Complaint Procedure document.

Section 1: Key responsibilities

The Head teacher is responsible for making operational decisions on a daily basis about the school's internal management and organisation. The school should make it clear that parents and others should direct concerns or complaints to the Head teacher in most circumstances.

The governing board has overall responsibility for the school and for ensuring that all pupils receive an appropriate and high standard of education. Given that school sites are now becoming places of service provision, it is important that the governing board ensures that any third party providers offering community facilities or services through the school premises have their own complaints procedure in place.

There are regulations that prescribe the role of governors in dealing with complaints. In general, the need to maintain a strategic overview, rather than a day-to-day operational involvement, is paramount, as is the need to provide an objective approach in the interest of the whole school community, i.e. parents as well as staff.

Parent and Staff Governors in particular should not be drawn into the detail of specific complaints as this may prejudice their role in any further stages of the complaints procedure. However, they can help to refer more general concerns about school policy to the Head teacher and the governing board.

Since the implementation of section 45 of the Education Act 2011, on 1 August 2012, the Local Authority (LA) no longer has any power or duty to intervene in school complaints.

Parents and other complainants will be advised that if they contact the LA, they will be referred back to the school and all details will be recorded and passed on to the Head teacher or Chair of governors.

Governor Services will provide advice, guidance and support to Governors and Clerks dealing with complaints at any stage.

Who can complain?

The Complaints Procedure applies to complaints made by:

- parents of pupils currently or recently (within three months) at the school;
- people who either have 'parental responsibility' for a pupil or who care for them, but are not the pupil's parents;
- pupils aged 18 years or over; and
- third parties concerned about action (or lack of action) taken by schools.

Types of complaints covered by the school complaints procedure

This policy will apply to most general complaints received by schools. The complaint could be about the way the school is run or about the way a school policy has been implemented. Most will be about decisions that affect pupils at the school.

Types of complaints NOT covered by the school complaints procedure

It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal for example child abuse, staff discipline, special needs assessments, school admissions or exclusions (Appendix 4 lists the types of statutory processes and separate procedures that apply).

What is the difference between a complaint and a formal disciplinary procedure?

A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support before responding to any investigation into a complaint.

General complaints may involve members of staff, but any investigation into such a complaint should be seen as very distinct from the disciplinary process. General complaints should be treated as complaints against the school, unless serious allegations of misconduct are made, in which case, advice should be sought from the school's HR colleague at the LA.

If it becomes apparent that the complaint has the potential to be a disciplinary issue or if the complaint is against any member of staff, it is for the Head teacher or designated senior member of staff or, in the case of a complaint against the Head teacher, the chair of governors or designated governor, to determine if it is a disciplinary or capability matter.

If this is the case, the matter will be dealt with by following the appropriate (disciplinary or capability) procedure and the complainant will be notified that this is the outcome of their complaint, i.e. 'The matter has been referred to the appropriate procedure.'

Section 2: Principles: Dealing with Complaints about school

Complaints Policy

The aim of this complaints policy is to be a summary of the approach the school takes to handling concerns and complaints. This should not be confused with the School's Complaints Procedures, which describes the steps to be taken when handling complaints.

The School's Complaints Policy will:

- be easily accessible and published on the school website;
- be a *concise* statement of how the school deals with concerns and complaints, whether from parents, or other legal representatives of the pupils, or from members of the community.

The School's Complaints Procedures will:

- be well publicised and easily accessible
- be simple to understand and use
- encourage the resolution of problems by informal means wherever possible
- establish time limits for action and for keeping people informed of progress
- be impartial
- be non – adversarial
- respect people's confidentiality
- ensure full and fair investigations where necessary
- address all points of issue, provide an effective response and appropriate redress where necessary
- ensure that complaints are recorded and that the school's Senior Leadership Team and Governing Board be informed so that recommendations can be made.
- be reviewed annually by both the school's leadership team and governing board.

Stages of a Complaints Procedure

The St. Peter's Catholic Primary School Complaints Procedure has well-defined stages that explain the action to be taken, when it should be taken and who will be involved. The need for flexibility is built into this area as further investigations may be required.

The St. Peter's Catholic Primary School Complaints Procedure has three internal stages before complainants are advised to escalate their complaint to the Secretary of State:

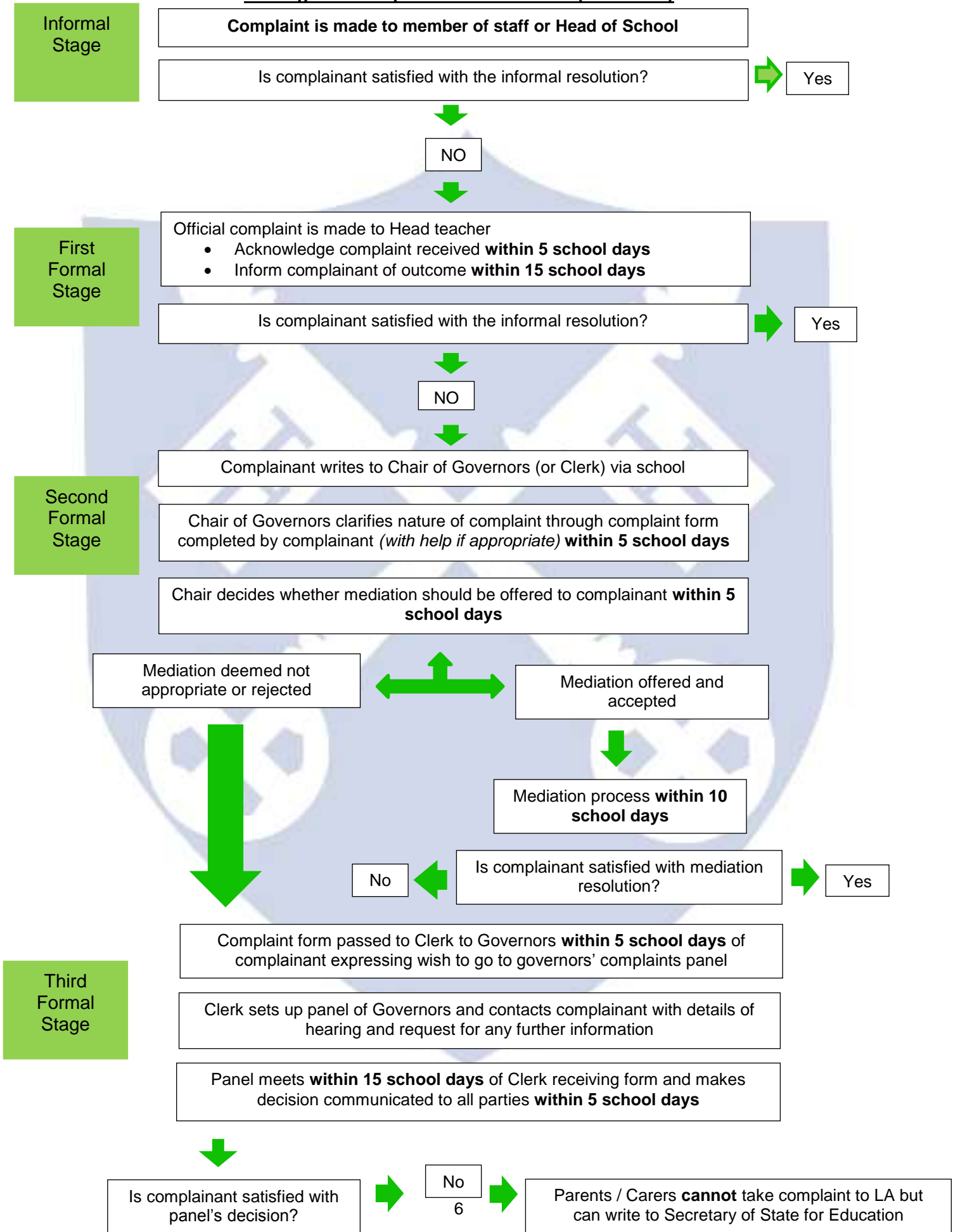
Informal stage - dealing with concerns: initial concerns are heard by a class teacher, head of year or another appropriate member of staff on an informal basis, either in person, by telephone or in writing.

Formal stage one: where a formal written complaint is considered by the Head teacher (or representative), or - if the complaint is about the Head teacher – by the chair of governors or nominated governor. The decision of the Head teacher or chair of governors at this stage is usually final.

Formal stage two: If stage one has been worked through and the complainant is unhappy with *the way in which their complaint has been handled*, the case can be referred to a panel of governors. The panel of three governors will carry out a review of the investigation carried out at formal stage one to consider the way the complaint has been investigated and handled by the school. This stage does not involve a rehearing of the complaint.

Secretary of State Review: Having exhausted the previous stages, complaints can finally be taken to the Secretary of State for Education but only on the grounds that the governing board is acting or proposing to act unreasonably or illegally.

Dealing with Complaints about Schools (Flowchart)



Dealing with initial concerns

School staff need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints. People may wish to ask questions or express an opinion, and the School should aim to create an environment that supports, welcomes and respects the involvement of others.

The fact that schools must, by law, have a complaints procedure need not in any way undermine efforts to resolve concerns or complaints informally. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures.

In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. Being able to resolve issues on the spot, including apologising or expressing regret, where appropriate is often the best approach. This is preferable to immediately invoking a complaints procedure which can place an unnecessary barrier of formality between the school and its parents or the wider community.

Dealing with formal complaints

Formal procedures will need to be started when the initial attempts to resolve the issue have been unsuccessful and the complainant remains dissatisfied and wishes to take matters further.

This could be handled by any one of the following:

- the Head teacher;
- an independent person agreed by the governing board;
- a designated member of staff who has the responsibility for the operation of the school's complaints procedures;
- the Chair of governors; or
- a designated governor.

Complaints or concerns from the community

The School aims to actively deal with complaints or concerns from residents. It is important to maintain good relationships with local residents and schools should ensure that any concerns from the community, which can cover issues such as litter, unruly pupils, objects landing in gardens and car parking are dealt with in a similar way to a complaint from a parent or other legal representative of the child.

It is the responsibility of the governing board of the school to ensure that any third party, such as a sports or social club, offering community facilities or services through the school premises, or using school facilities, has its own complaints procedures in place.

Where there may be shared responsibility for providing a service under children's service provisions, the governing board needs to make sure there is an agreed complaints process in place.

Resolving and closing complaints

At each stage in the procedure, the school will endeavour to resolve the complaint to the satisfaction

of both parties. Implementing the Complaints Procedure effectively should enable school staff to identify areas of agreement and clarify any misunderstandings that might have occurred, as this can create a positive atmosphere in which to try to reach a resolution. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology or an expression of regret. *Note* – this is not an admission of liability;
- an explanation;
- an admission that the situation could have been handled differently or better. *Note*: this is not the same as an admission of negligence;
- an assurance that the event which prompted the complaint will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It is important that complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence. Equally, an effective procedure will identify areas of agreement between the parties. It is also of importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

The complaints procedure must not suggest that a complaint can only be escalated to the next stage if the school permits it.

If the school rejects the complaint, it is important to reassure the complainant that the matter has been thoroughly investigated.

Serial or persistent complaints

The St. Peter's Catholic Primary School Complaints Procedure will be used to deal with complaints and it is hoped that through effective implementation of this procedure, a satisfactory resolution will be found. The school pledge to keep the complainant well informed what is happening, so that they can be satisfied that the correct procedures are being followed.

However, occasionally, a complainant may remain dissatisfied despite all the procedures having been followed. It may well be a case of not being able to resolve all their concerns and meet all their wishes. Sometimes it is simply a case of 'agreeing to disagree' and moving on.

In cases where the complainant continues to make numerous complaints, the chair of Governors will investigate each and decide if it is appropriate to apply the 'Procedure for dealing with Vexatious and Persistent Complaints'.

Monitoring complaints

St. Peter's Catholic Primary School will record and monitor all complaints to identify issues and allow any lessons to be learned by the school. The Head teacher should provide a termly report to the governing board identifying the number, nature and current status of complaints handled, without giving individual details. The governing board should monitor all complaints which reach formal stage two and receive a report at the end of the process.

Section 3: Dealing with concerns (pre-complaint stage)

All concerns will be treated seriously. The member of staff should make a brief note of the concerns and an indication of the outcome of the discussion. Staff will discuss desired outcomes and hopefully resolve the complaint there and then. If this is not possible, the complainant will be advised to make a formal complaint, using the complaints form, and be advised of the formal complaints procedure.

The member of staff will discuss the issue with the Head teacher at the first opportunity and pass on any information that they hold about the issue.

If a concern relates to a school policy rather than a particular incident, e.g. policy on school dress, timing of school day, it would be more appropriate for the issue to be referred directly to the Head teacher. Where possible, people are invited to put their comments in writing, with assistance if necessary, and these can then be used to inform any review of the policy. A written acknowledgement will be sent telling them when and how the matter will be considered.

If it is clear that a number of people share a concern the matter will be dealt with as a matter of urgency to avoid escalation of the issue within the parent community.

Formal Stage One: Official Complaint

Where a person has not been able to resolve a concern informally, they are entitled to ask the Head teacher or a senior member of staff nominated by the Head teacher, to investigate the issue. The complaint should, where possible be put in writing to the Head teacher; ideally using the formal complaints form (see Appendix 1). In all cases, the form should include details of the complaint, action already taken to resolve the complaint and what actions might help resolve the problem.

Complaints made either in person, by telephone, or electronic communication should not prohibit complaints being dealt with under formal procedures.

Formal complaints should be lodged as soon as possible, but no later than three months of the incident or issue occurring. There may be certain exceptions to this and the school will respond on a case by case basis.

Receipt of the complaint will be acknowledged within 5 school days and will specify how the complaint will be investigated, by whom and the timescale within which a full response will be made.

The Head teacher will ensure that a thorough investigation is carried out and a full written response is made within 15 school days. If the timescale needs to be extended (for example, if meetings with complainants or relevant people cannot be arranged within this timescale) complainants will be informed.

Exceptions

Complaints about the Head teacher. A complaint about the Head teacher should be made in writing to the Chair of Governors. This may include a complaint about the actions or lack of actions of the Head teacher in investigating a complaint.

Where a complaint is about the conduct of the Head teacher, the Chair of Governors may wish to seek advice from the school's HR team at the LA.

Complaints about the Chair of Governors. Complaints about the Chair of Governors should be made in writing to the Vice - Chair of Governors. Procedural advice and guidance may also be sought from Governor Services.

Complaints about issues covered by other statutory procedures. Where complaints concern issues that are covered by other statutory procedures, for example, school admissions or exclusions, then those specific procedures and related timescales will apply instead (see Appendix 4).

Complaints involving a claim for compensation. Schools should refer any claims for compensation directly to the Schools Claims Financial Adviser in the LA.

Reporting the Outcome

A full written response will be made to complainants who may be offered a further meeting to explain how the investigation was carried out and how decisions were reached. The decision at the end of formal stage one is final. The only exception to this is if in investigating the complaint, the Head teacher or governor did not conduct a full and fair investigation and therefore did not arrive at the decision fairly, then there may be an opportunity to review the decision at formal stage two.

Complainants are advised that if they are dissatisfied with the way in which their complaint has been handled they may refer the matter to the governing board. This should be done by writing to the Chair of governors within 10 school days of receipt of the letter from the Head teacher and chair of Governors.

Formal Stage Two: Review to Panel of Governors

The governors' review panel

If complainants are dissatisfied with the way in which their complaint was handled at stage one, there will be a further and final right of review to a specially convened panel of governors.

Reviews should be lodged in writing with the Chair of Governors within 10 school days of receipt of the stage one decision.

The review panel will meet within 20 school days of receiving the complaint. The complainant(s) and the Head teacher or appropriate investigating officer (or governor if the stage one complaint was about the Head teacher) will be informed of the date, time and venue of the appeal hearing.

The panel will comprise at least three governors who have had no previous knowledge of or involvement in the case. The panel should not include staff governors; a complainant may feel that staff cannot be objective and it is important that staff are not put in an uncomfortable position.

Remit of the governors' panel

The panel will consider the way the complaint has been investigated and handled by the school (or

governor if it is about the Head teacher). The panel will carry out a review of the investigation carried out at formal stage one. It will hear the report of the investigating officer at stage one and any submissions on that report by the complainant. The review should not entail a rehearing of the case.

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.

The decision of the panel is final and will be communicated in writing to the complainant(s) and the Head teacher within 5 school days.

Secretary of State Review

A further stage of appeal can be taken to the Secretary of State for Education, but only on the grounds that the governing board is acting or proposing to act unreasonably or illegally or the complaints procedure has not been followed by the school.

Where the Department for Education on behalf of the Secretary of State, finds that the procedure has not been followed or the governing board has acted unreasonably or illegally, it can require the complaints process to be undertaken