



ST PAUL'S CATHOLIC PRIMARY AND NURSERY SCHOOL

Our school is a place of learning

A place of love

SCHOOL BASED COMPLAINTS POLICY

Why does the school need a complaints procedure?

Section 29 of the Education Act 2002 requires all maintained School Governing Bodies to adopt and publicise a complaints procedure for Parents. This includes complaints about any community facilities or services that the school provides.

Previous legislation still applies. In particular, 1991 SEN Information Regulations require Governing bodies of schools to publicise their complaint procedures in relation to SEN and the 1996 Education Act requires the LA to establish procedures for disputes between schools and Parents about SEN provision.

General Principles of complaints

Dealing with Complaints – Initial concerns

1. It is important to distinguish between a concern and a complaint. A concern can be defined as a cause of worry, whilst a complaint can be defined as an expression of dissatisfaction. The school recognises that taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

2. It is our aim that concerns should be handled without the need for formal procedures. The requirement to have a complaints procedure does not undermine our efforts to resolve the concern informally. In most cases the class teacher will receive the first approach and if possible resolve the issue on the spot, including apologising where necessary. A meeting with parents will be organised to see if this helps resolve the issue and parents may be given details of support organisations who may be able to impartially discuss the Parents concerns with them. (See Leaflet 'Information to Parents. How to complain to your child's school').

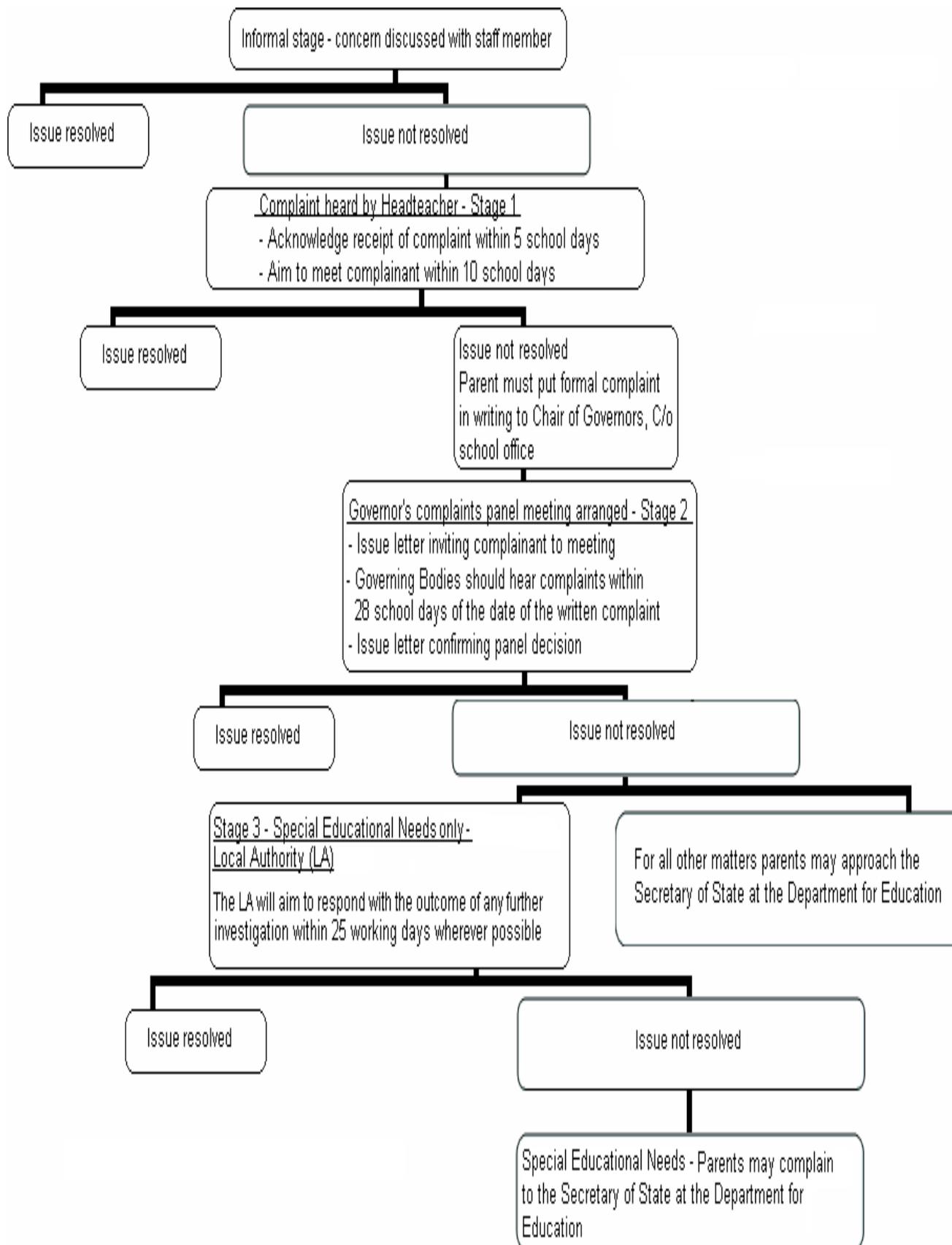
Dealing with Complaints – Formal procedures

3. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

4. The Headteacher holds responsibility for the operation and management of the school complaints procedure and is the school's 'Complaints Co-ordinator'.

Flowchart - Summary of Dealing with Complaints

Dealing with complaints



Framework of Principles

5. Our Complaints Procedure will:
- encourage resolution of problems by **informal** means wherever possible;
 - be easily **accessible** and **publicised**;
 - be **simple** to understand and use;
 - be **impartial**;
 - be **non-adversarial**;
 - allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
 - ensure a full and **fair** investigation by an independent person where necessary;
 - respect people's desire for **confidentiality**;
 - address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
 - provide **information** to the school's Senior Management Team so that services can be improved.

Investigating Complaints

6. The person investigating the complaint (the Complaints Co-ordinator), will make sure that they:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview. This may involve a note taker being present at meetings.

Resolving Complaints

7. Prior to a complaint being escalated to involve a formal hearing, the school will aim to take all steps to resolve the matter. 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;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of 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.

8. At all times complainants will be 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 liability.

9. Areas of agreement between the parties will be identified. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Vexatious Complaints

10. If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. A vexatious complaint is likely to involve some or all of the following:

- the complaint arises from a historic and irreversible decision or incident;
- contact with the school is frequent, lengthy, complicated and stressful for Staff;
- the complainant behaves in an aggressive manner to Staff when he/she presents his/her complaint or is verbally abusive or threatening;
- the complainant changes aspects of the complaint partway through the complaint process;
- the complainant makes and breaks contact with the school on an ongoing basis; or
- the complainant persistently approaches the school (and in some cases the Local Authority) through different routes about the same issue in the hope of getting different responses.

In instances where there is a complete breakdown of relations between the complainant and the school, a decision may be made to restrict contact. Any restrictions imposed should be appropriate and proportionate. The school will consider the following options:

- requesting contact in a particular form (e.g. – letters only);
- requiring contact to take place with a named member of Staff (e.g. – Headteacher);
- restricting telephone calls to specified days and times;
- asking the complainant to enter into an agreement about his/her future contact with the school; and
- informing the complainant that if he/she still does not follow this advice (as stated above) any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged, but should be kept on file.
- if the complainant tries to reopen an issue that has already been examined through the complaints procedure, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time-Limits

11. Complaints need to be considered, and resolved, as quickly and efficiently as possible. The school will endeavour to resolve complaints within the time frames. However, where further investigations are necessary, new time limits may be set and the complainant sent details of the new deadline and an explanation for the delay.

Stages of the complaints process

12. There are four steps to the complaints process:

Informal – Local resolution of the concern with Staff member

Stage 1 – complaint heard by Headteacher

Stage 2 – Governor's Panel

Further recourse – Possibly to Local Authority, OFSTED or Department for Education (where appropriate).

Recording Complaints

13. The school will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, the school will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A letter will be sent to parents, which parents will sign and return to the school acknowledging that they have received the letter and agreed to the record of the meeting. Notes of meetings and telephone calls will be kept and a copy of any written response added to the record.

Governing Body Review

14. The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not name individuals.

15. As well as addressing an individual's complaints, the process of listening to, and resolving complaints will contribute to school improvement. When individual complaints are heard, the school will identify any underlying issues that need to be addressed. The monitoring and review of complaints by the school and the Governing Body is a useful tool in evaluating the school's performance.

Publicising the Procedure

16. There is a legal requirement for the Complaints Procedure to be publicised. The school's Complaints Policy will be publicised in the following ways:

- on the school website;
- in the school's newsletter
- in the school prospectus as part of a list of policies that are on the school website;
- in documents supplied to community users including course information or letting agreements;
- in a specific complaints leaflet;

Complaint made by one member of Staff against another (including the Headteacher)

Complaints from members of Staff are not covered by this procedure. They will be dealt with by the Headteacher (where appropriate) or the Chair of Governors informally in the first instance. If this approach fails to resolve the issue, the next step will be for the Staff Grievance Procedure to be invoked (by the person bringing the grievance).

The Schools HR Advisory Team can be contacted for advice on (01438) 844875.

Complaint made by a Governor about a member of Staff

This should be dealt with through the complaints procedure outlined in this document. The Governor concerned would have to withdraw from any meeting at which the complaint or its outcome was being discussed. If the complaint is related to the *conduct* of a member of Staff, the school's Disciplinary Procedures will be referred to.

Complaint by a member of Staff against an individual Governor acting in a personal capacity

The Chair of the Governing Body (or the Vice-Chair if the complaint is against the Chair) should attempt to resolve the matter informally. If such a resolution is not possible, and with the agreement of the Governor concerned, a Panel of Governors will be set up to consider the matter as under the normal complaints procedure in this document.

Complaint by a member of Staff against the action/decision of the Governing Body

If the decision was taken at a meeting of the full Governing Body the matter will be put on the agenda for review at another meeting and if the decision was then confirmed that would be the end of the matter. (For this reason it is important that matters that could potentially lead to a complaint or appeal are routinely dealt with by a committee with delegated authority, in order to allow for an appeal or a rehearing by an unprejudiced second group of Governors). If a committee or individual with delegated authority took the original decision then a Panel of Governors who were not involved in the decision will review the matter, ensuring that the member of Staff concerned was given an opportunity to state his/her case to the Panel. Any decision by the Panel would be final.

Complaint by a member of the public (not a Parent)

Complaints from members of the public will be dealt with by the Headteacher and beyond that the Chair of Governors.

Complaint by a Parent whose child no longer attends the school

The purpose of this complaints procedure is to ensure that if an error has been made, or an injustice done, some action can be taken to remedy matters for the injured party. Where parents have removed their child from the roll of a school it is clearly impossible for the Governing Body to put things right for that child. However, the Governing Body has a duty of care to the pupils who remain on roll and so Governors will investigate the circumstances in order to satisfy themselves that no-one had acted inappropriately and that procedures and policies had been followed correctly. Whilst it is not necessary to convene a Governor's complaint Panel, parents will be informed whether the complaint had been upheld or otherwise and of any changes to practice and procedures which have been agreed by the Governing Body.

What complaint/appeal procedures are NOT covered by this document?

This complaints procedure does not cover:

- Child Protection Procedures - www.hertsdirect.org/childprotection
- Appeals about admissions – <http://www.hertsdirect.org/your-council/hcc/childserv/comments/appealpanels/schadmappeals>
- Appeals to the Governors discipline committee against permanent exclusion from school. Guidance on exclusions is available at the following link - <http://www.hertsdirect.org/your-council/hcc/childserv/comments/appealpanels/schexcappeals>

- Staff Disciplinary Procedures - www.thegrid.org.uk/schoolworkforce/human_resources/policies/documents/csf0030_model_disciplinary_procedures_mar10v2.doc

For further information about these procedures, please contact Children's Services on 0300 123 4043.

What is the position of Staff complained about?

Under this complaints procedure any member of school Staff who is the subject of a parental complaint will have the opportunity to respond to the complaint during its investigation. They will also be able to see any response sent to the complainant as a result of the investigation.

There is an entirely separate procedure for schools to follow in dealing with Staff disciplinary matters. Therefore, if in the course of considering a complaint, the Governing Body or LA concludes that disciplinary procedures should be initiated, they will take separate action.

How long should the school take in dealing with concerns and complaints?

Schools should aim to deal with these quickly and efficiently at Stage 1, so avoiding the formal Stage 2 procedure wherever possible. All complaints should be acknowledged within **5 school days**.

The Governing Body should deal with and respond fully to Stage 2 formal complaints within **28 school days** of the written complaint being received. If this is not possible parents need to be given the reasons for the delay and to be kept informed of progress.

What is the FIRST stage in dealing with a complaint?

Most concerns, or potential complaints, can be resolved informally by offering parents a full discussion with the member of Staff who is best able to help. This may involve the Headteacher and the Chair of Governors working together to investigate the complaint.

If the complaint is about the provision the school is making for a child's Special Educational Needs, then a parent might find it helpful to talk to the named SEN Officer where this applies. The Parent Partnership Service is able to provide advice on the procedures the LA has in place for resolving disputes between schools and parents over SEN provision.

The school will give parents wishing to complain further a copy of the School Complaints Procedure and ask them to set out their complaint by completing the complaint form and returning it to the school office in an envelope addressed to the Chair of Governors and marked confidential. The complaint form can be obtained from the school office.

What is the SECOND stage in dealing with a complaint?

The Chair of Governors will arrange for the complaint to be investigated and considered under the arrangements approved by the Governors for this purpose. This will usually involve a Panel of Governors appointed to act on behalf of the Governing Body. **In the case of Special**

Educational Needs complaints, the Chair of Governors must inform the Complaints Manager.

If the Chair of Governors, or other Governors, have been involved in earlier discussions to try and help settle the disagreement at Stage 1, then arrangements should be made for another Governor with no prior involvement to take charge of the investigation and consideration of the complaint.

Governors may offer the parent an opportunity to talk about the complaint in the course of the investigation, prior to the complaint hearing. This might clarify the outstanding matters of complaint which remain unresolved and what outcome is sought by the complainant. Parents will be provided with full details of how the Governors' Complaint Panel will conduct the further investigation (please see page 12, paragraph 6 entitled 'Complaint by a Parent whose child no longer attends the school' for the exception to this rule). A formal hearing is the best way for both Parents and the Headteacher and Staff to be satisfied they have had a proper opportunity to be listened to by Governors. Everyone will also be informed in advance of the order of proceedings for complaint hearings.

Both parties should make available to the Panel, in advance, any written information they intend to use in the formal hearing.

Who can attend a Stage 2 hearing?

At any meeting parents may be accompanied by a friend or representative who may speak on their behalf. This person could be an interpreter of their choice and parents should be encouraged to do this where necessary.

The Chair of the Panel may invite to the meeting any person who may help establish the facts of the complaint. Parents need to be told who this person is before the meeting.

Any member of Staff required by Governors to attend any meeting or the hearing will have the opportunity to be accompanied or represented.

A member of Staff named by parents in the complaint may also choose to attend even if not required to do so by Governors and may be represented. If this happens, parents will be told beforehand.

What happens after the investigation/hearing?

When the complaint has been fully investigated and the hearing has taken place, parents will be notified of the **findings** in writing by the Chair of the Panel hearing the complaint or the Governor responsible for the investigation within 5 school days of the hearing date.

The report, with findings, will, at the same time, be published to the Governing Body as a confidential item and will, in addition, include any **recommendations**. A meeting of the Governing Body must accept the findings but can accept, reject or reject in part, the recommendations. Personal details will not be disclosed, but an outline of the complaint hearing and findings should be given.

The Chair of Governors will write to the parents to confirm any actions agreed by the Governing Body. Any agreed actions must be implemented by whoever it applies to - this could be the Governing Body as well as the Headteacher. Parents will also be informed whether and how they can take their complaint further.

A copy of the report must be sent to the Headteacher and the Complaints Manager in the case of a Special Educational Needs complaint, where there is a right in law to a third stage of complaint to the County Council.

What can Parents do if they are not satisfied with the outcome of the second stage of investigation?

In most cases it is expected that parental complaints will be satisfactorily resolved following formal complaint to the Governing Body. However, should parents remain dissatisfied, the following sections explain the circumstances in which complaints can be taken further.

It should be noted that if parents remain dissatisfied following the outcome of their Stage 2 hearing and wish to take their complaint further, they must do so within 28 school days of receiving the written outcome of the hearing.

After 28 school days, neither the school nor the Local Authority (where appropriate) are under any obligation to investigate or progress the complaint any further.

**When is there a THIRD stage of complaint to the County Council and how does it work?
(THIS APPLIES TO VERY FEW COMPLAINTS AS SET OUT BELOW)**

When it is a complaint about the way a school is providing for a child's Special Educational Needs.

Parents can complain further to the LA by writing to the Complaints Manager.

The Complaints Manager will acknowledge the letter and will notify the Chair of Governors. The Complaints Manager will arrange for the complaint to be investigated. The investigator will seek the comments of the Governing Body and any other information or advice as necessary.

When the complaint has been fully investigated and considered the Complaints Manager will notify Parents of the outcome in writing, giving the reasons for it, any action or proposed action to be taken and the further recourse available. A copy of this will be sent to the Headteacher, the Chair of Governors and to anyone else concerned in the investigation. This brings the third stage for Special Educational Needs complaints to a conclusion.

Parents who remain dissatisfied following further investigation of their Special Educational Needs complaint by the Local Authority have the right to complain to the Secretary of State who may decide to conduct an additional investigation. The contact details for the Secretary of State are as follows:

The Secretary of State,
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Telephone: 0870 000 2288
Website: www.education.gov.uk

What happens when is there is NO statutory third stage of complaint to the County Council?

If the complaint is about Collective Worship in St Paul's:

There is no formal right of complaint to the LA. This is because the LA has no power to inspect the provision or to influence its content but complaint beyond the second stage may be made to the relevant Diocesan Authority where this applies.

Complainants should write to: The Director of the Education Service, Diocese of Westminster, 46 Francis Street, London SW1P 1QN.

IF THE COMPLAINT IS ABOUT BULLYING, THE NATIONAL CURRICULUM, OR ABOUT ANY OTHER GENERAL MATTERS THERE IS NO THIRD STAGE OF INVESTIGATION BY THE COUNTY COUNCIL

For the vast majority of complaints there is no right of further complaint or appeal to the LA beyond the school's Governing Body.

Parents may contact the complaints helpline for further advice but will be told there is no right of a further stage of formal investigation by the LA.

If parents who have not yet complained to their child's school contact the Local Authority, Council Officers will ask the complainant for their written consent to share information regarding their complaint with the school in question. If the complainant declines to provide their consent, the matter will not normally be taken any further. If consent is provided, the Council will pass the complainant's concerns onto the school, whilst ensuring that the complainant is made aware that this will not necessarily result in the complaint against the school being resolved or the complainant achieving the outcome they were seeking.

Can Parents complain to anyone other than the County Council?

Parents have the right to complain to the Secretary of State at the Department for Education (under the Education Act 1996), if they believe that the Governing Body or the LA is acting or proposing to act unreasonably (section 496), or is failing to carry out a statutory duty (section 497). This has to mean that the LA or the Governing Body is acting outside its powers, or misusing them. Only then would the Secretary of State follow up the complaint.

The Secretary of State will then contact the Governing Body or LA for information. The contact details for the Secretary of State are as follows:

The Secretary of State
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Telephone: 0870 000 2288
Website: www.education.gov.uk

Where can Parents get help?

Parents who remain dissatisfied following the Stage 2 consideration of their complaint by the Governing Body may seek advice from the Children's Services Complaints helpline on 01992 588542.

The leaflet 'Information for Parents. How to complain to your child's school', also shows other sources of help for parents.

What kind of record will be kept about complaints?

The County Council will formally monitor Special Educational Needs complaints escalated to it under the statutory third stage of the complaints procedure.

The school will formally record and monitor all Stage 2 complaints to the Governing Body.

Statistics may be published from time to time about the number and nature of complaints about individual schools. Publications will not include reference to any named individual. This is used to identify complaint trends and whether individual schools need particular guidance or support.

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