

# St Mary's CE Primary Complaints Policy – January 2019

Do everything in love



**1 Corinthians 16:14**

Learning to Love, Loving to Learn

**Reviewed: January 2019**

**Approved by governors: Spring Term 2019**

**Date of next review: Spring Term 2021**

*Deeply rooted in the love of Jesus we are committed to:-  
Creating a happy, healthy and honest school,  
where everyone feels secure and valued.  
Providing excellent teaching and learning opportunities  
which develop independent, confident and resilient life long  
learners who can think for themselves.  
Celebrating and supporting all children  
to unlock and fulfil their unique potential.  
Preparing children to contribute to society  
with wisdom, hope, tolerance and dignity.  
Living by our school values of Love; Honesty; Courage;  
Compassion; Determination and Respect.*

*Our vision is to inspire and grow a  
compassionate community of excellence.  
A happy place for our children to shine for God,  
for each other, and for themselves.*

## **School Complaints Procedure**

### **Introduction**

No-one likes criticism - but an open organisation will always be willing to listen to concerns and anxieties, and be ready to learn from them (if appropriate). In a school, most concerns are likely to be expressed by parents of its pupils; though some may come from pupils themselves or from other interested parties (such as neighbours or users of the school's premises).

Nearly all concerns or questions can be resolved very quickly and informally if complainants feel able to voice them as soon as they arise. Obviously, the more information the school gives to the complainants, the less scope there is for misunderstanding.

As part of this information, complainants should be told that feedback is always welcome and that they are warmly encouraged to voice any concerns straightaway, preferably to the person concerned. In most cases, discussion, explanation, further information – or an apology (if appropriate) – will resolve the issue. Every effort should be made to allay concerns at this level and with the least possible formality. The ideal is that no concern should ever become a formal complaint.

Occasionally, however, a concern will be too serious to be handled in this way, perhaps needing greater investigation; or the person concerned may not feel that the answers given so far have been acceptable or adequate. In such circumstances, the concern will become a complaint and the formal procedure outlined below should be rigorously followed. Even in these cases, every effort should be made to resolve the issue at the lowest possible level of the procedure. It should be very rare indeed that a complaint needs to be heard at the Appeal Stage by a Governor Committee.

It is very important that all governors and members of staff are familiar with the school complaints procedure and that they know who the complaints co-ordinator for the school is, so that they can refer complaints to that person when approached by someone with a complaint.

### **THE FORMAL PROCEDURE**

#### **Principles**

At every stage of the formal procedure, the handling of the complaint will be:

1. non-adversarial (working together co-operatively to reach the best resolution for everybody);
2. swift (using agreed time limits);
3. fair (using independent investigation where necessary);
4. confidential.

Throughout the process, the school will be willing:

1. to listen;
2. to learn;
3. to admit mistakes;
4. to apologise (if appropriate);
5. to address any issues raised;
6. to change school practice or policy (if appropriate).

In using this procedure:

1. staff are asked to be aware that complainants may feel intimidated by the school as an institution and unsure whether they will be treated fairly; and
2. complainants are asked to be aware that those complained about, especially individual members of staff, may feel very vulnerable during this process.

Throughout the procedure, therefore, the aim of all parties should be not only to resolve the complaint but also to develop and sustain good relationships between all members of the school community. However

dissatisfied the complainant, the aim when dealing with any formal, or serious, complaints, will always be reconciliation between all parties; and a renewed commitment to work together amicably.

It is totally separate from any Disciplinary or Capability Procedures. If the investigation of any complaint were to lead to concerns on the part of the headteacher or governors, about the capability or conduct of a member of staff, these would not be discussed or dealt with within this procedure.

We have always tried to ensure that views of pupils are taken into account. This has been recently highlighted with the Children's Commissioner's Report, December 2015, which asks schools to:

- establish an open, positive culture where feedback and children's views are valued.

We will always try to ensure that this is taken into account with reference to any particular complaint.

### **Outline of the Procedure**

There are four stages to the complaints procedure (although stage 1 is more informal)

#### **Stage 1: Complaint heard by a member of staff**

At St Mary's, parents are encouraged to talk firstly to the member of staff with whom they have a concern. We would ask that parents respectfully share their concerns with the member of staff. The member of staff will listen and take notes so that any issues can be followed up if necessary. Parents are asked to be mindful of the fact that staff are working with children and may not be available to talk to them at particular times. If parents require more than just a quick word at the end of the day, they will be asked to make an appointment. The aim is to resolve the complaint at this level.

Any of the following may be appropriate at this point:

1. an acknowledgement that the complaint is valid in whole or in part;
2. an apology;
3. an explanation;
4. a clarification of misunderstandings;
5. an admission that the situation could have been handled differently or better;
6. an assurance that the event complained of will not recur;
7. an explanation of the steps that have been taken to ensure that it will not happen again;
8. an undertaking to review school policies in light of the complaint.

Some of the above may require that the staff member speaks first with the Headteacher. Naturally, nothing should be offered or promised that cannot be justified or fulfilled

If the complaint cannot be resolved, the complainant may refer it to Stage 2.

#### **Stage 2: Complaint heard by the Key Stage Leader .**

Where a complaint has not been resolved at Stage 1, it will be referred to the relevant Key Stage Leader.

They will either investigate the complaint personally or refer it to another senior member of staff (who has not so far been involved). The Key Stage Leader will record the complaint and any action taken to resolve it. The Key Stage Leader will investigate the complaint, decide what action, if needed, will be taken to resolve it and feedback the results to parents.

The Key Stage Leader will:

- 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 they are unsure about any aspect, or feel further information is necessary);
- clarify what the complainant feels would put things right, clearing up any areas of misunderstanding, identifying areas of agreement and discuss what might be possible;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish. This should include adults and pupils, as appropriate, whether main players or witnesses;
- conduct each interview with an open mind and be prepared to persist in the questioning;
- keep notes of each interview.

Timescales: Within ten school days of receiving the complaint, the Key Stage Leader will report back to the Headteacher and to parents. If further investigation is needed, parents will be informed of an extension and the reason for it.

### **Stage 3: Complaint heard by the Head Teacher .**

If unsatisfied at Stage 2, the complainant can take the complaint to the next stage.

If parents are not happy with the result of step 2, they may refer the complaint – in writing – to the Headteacher. If the complaint deals directly with the Head Teacher, parents should address the letter to the Chair of Governors.

The Head Teacher will investigate the complaint personally or arrange for an independent investigation by a member of staff not related to the incident or an outside investigator

Timescales: Within ten school days of receiving the complaint, the Head Teacher will report back to parents. If an external investigator is used, they will feed back to the Head Teacher within 10 working days. Within a further seven working days, the Head Teacher will arrange to meet with parents to inform them of the findings. If a delay is incurred due to further investigations, parents will be informed of an extension and the reason for it.

### **Stage 4: Complaint heard by the Governing Body Appeal Panel .**

If unsatisfied at Stage 3, the complainant can take the complaint to the next stage.

If the complainant has been dissatisfied with the school's approach to the complaint in the first three stages they must now put the complaint in writing to the Chair of Governors. The Chair will check what has happened so far and, if the procedure has been properly followed, it will move to Stage 4.

A Complaints Appeal Panel, consisting of three governors, who have not been involved up to this point, will look at all the evidence that has been collected, call for further investigations and arrange to meet with parents to discuss concerns and how parents feel the issue could be resolved.

This is the final stage of the procedure. There is no further redress or appeal. It is, therefore, vital that, in the spirit of the procedure, the Appeal Panel should:

1. be prepared to hear complaints without preconceptions;
2. examine and discuss the matter fully so that they ensure that they have every piece of information or evidence that they require;
3. be prepared to commission, organise or conduct further investigations if necessary;
4. give the complainant the opportunity to express their dissatisfaction and worries and to suggest what might put things right;
5. be prepared to take whatever action is required.

Timescales. The date of the Appeal Panel Meeting should be agreed by all parties within five school days of the receipt of the written referral of the complaint. The meeting itself should be held within fifteen school days of the receipt of the referral. If the complainant or the Headteacher wishes to submit information in writing to the panel, they should send it to the clerk at least five school days before the meeting.

As far as possible, the meeting should not be delayed. If the referral comes at the end of a term, especially at the end of the summer term - the aim of the procedure should still be to resolve the issue and effect reconciliation (if necessary) as soon as possible. It will be best, therefore, if the matter can come to the panel as quickly as possible; especially as the complainant will already have been engaged over a protracted period in attempts to put things right.

Following the panel, a written decision will be sent to all parties within 10 working days. This is a final decision and is binding.

#### The Meeting of the Governing Body's Complaints Appeal Panel

Before the meeting: Members of the panel should consider carefully any documentation from the Headteacher or the complainant, but should not discuss the matter with any one (including the other members of the panel) before the meeting. This is in the interest of fairness and natural justice. The appeal panel must operate scrupulously as an independent arbiter of the complaint.

Conduct of the meeting – to be borne in mind:

1. One of the panel must act as chair and there should be a clerk for the meeting.
2. The meeting room should be private and as informally laid out as possible, in order to encourage a spirit of partnership. It is very important that there should be nothing adversarial about the proceedings. The tone of the whole meeting will be set by the atmosphere of the room in which it is set and by the way people are greeted. Panel members should be sensitive to the vulnerabilities and sensitivities of all concerned. Parents may be emotional when talking about their child and the Headteacher, and others involved in the earlier investigations, may fear that their professionalism could be under attack. Everyone needs to remember that the aim and purpose of the meeting is to resolve the complaint and find ways of going forward together. It is possible that the complainant may not be satisfied with the outcome if the panel does not find in their favour, but the conduct of the meeting can go a long way towards smoothing such dissatisfaction. At the very least, every complainant should feel at the end that their complaint has been taken seriously and examined impartially.
3. Very special care should be taken if the complainant is a child or if there are child witnesses. Children's views should be given equal consideration to those of adults. If a parent has complained on behalf of a child, the parent should be given the opportunity to say which parts of the meeting the child needs to attend.

#### Role of the Clerk

The clerk will:

1. confirm to all parties in writing the date, time and venue of the hearing;
2. receive and distribute any documentation to be read before the hearing;
3. meet and welcome all parties as they arrive at the hearing;
4. record the proceedings;
5. notify all parties of the panel's decision within 10 school days (or as decided by panel). The wording of any letters will be agreed with the Chair of the Panel.

#### Role of the Chair of the Panel

The chair will ensure:

1. that the procedure is properly followed;

2. that the procedure for the hearing of the complaint is explained to all parties and that all parties have the opportunity to put their case without undue interruption;
3. that the issues are addressed;
4. that all parties are put at their ease, especially any who may not be accustomed to speaking at such a hearing;
5. that the proceedings are kept as informal as possible and that everyone treats each other with respect and courtesy;
6. that the panel operates in an open-minded and independent way;
7. that time is given for all parties to consider any 'new' evidence.

#### Order of Proceedings for the Hearing of the Complaint

1. Welcome, introductions and explanations of the proceedings by the Chair.
2. The complainant is invited to explain the complaint.
3. The Headteacher may question the complainant.
4. The panel may question the complainant.
5. If there are any witnesses for the complainant, each one is invited into the hearing in turn and in each case the witness is invited to speak; then the Headteacher may question them, and then the panel may question them. In each case, the witness may leave after their 'evidence'.
6. The Headteacher is invited to explain the school's actions.
7. The complainant may question the Headteacher.
8. If there are any witnesses for the school, they are treated in exactly the same way as the witnesses for the complainant.
9. When the Chair is sure that all parties have asked all that they need to, the complainant is invited to sum up their complaint.
10. The Headteacher is then invited to sum up the school's actions and response to the complaint.
11. The Chair explains that both parties will hear from the panel within three school days following the day of the hearing.
12. Both parties leave together while the panel decides on the issues.

#### Options Open to the Panel

The panel may:

1. dismiss the complaint in whole or in part;
2. uphold the complaint in whole or in part;
3. decide on the appropriate action to be taken to resolve the complaint;
4. recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur. This will be done in partnership with the Senior Leadership Team.

#### After the Hearing

After the hearing, the following actions need to be taken.

1. The Chair of the Panel agrees, with the clerk, the wording of the letter to be sent to both parties. The clerk then ensures that the letter is sent out in accordance with the agreed timescale.
2. Minutes to be agreed by all parties before being approved, if at all possible.
3. The clerk writes up the notes of the meeting and gives a copy to the Chair of the Panel.
4. The clerk ensures that any recommendation to change school procedures is put on the agenda for the next full governing body meeting.

**Vexatious Complaints:** If the complainant, still dissatisfied, tries to reopen the same issue, the Chair of Governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

Time limit: The school expects any complaint to be submitted within three months from when the complaint first arises, except in exceptional circumstances.

### **Complaints Made Other Than in Accordance with the Procedure**

Sometimes a complainant may be unfamiliar with, or unaware of, the complaints procedure; sometimes they may choose to take their complaint straight to governors or to other parties, such as the Local Authority. In every such case, the procedure must be strictly adhered to, and the complaint redirected to its proper stage in the procedure. It is, therefore, important that all members of staff and all governors are fully aware of the procedure and that it is publicly available. It is particularly important that governors know that they must not attempt to deal with complaints themselves, but should tell complainants to take their complaint to the school's complaints co-ordinator.

### **Complaints Made to the Department for Education**

In unusual cases the Secretary of State may have the power to intervene if the governing body of the school has acted "as no reasonable governing body would act". This is very unlikely to be the case unless the whole of the school's own complaints procedure has been exhausted.

### **Complaints to Ofsted**

The Education and Inspections Act 2006 at s.160 provides a procedure for Ofsted to investigate parents' complaints about a school. A complaint cannot be investigated unless the school's complaints procedure has been exhausted, subject to the Chief Inspector's discretion to waive this requirement. **DfE have been advised that Ofsted will only consider whole school issues.**

### **Monitoring and Review**

The governors monitor the complaints procedure, in order to ensure that all complaints are handled properly. The head teacher or staff involved logs all complaints received by the school, and records how they were resolved. Governors can examine this log at any time.

Governors take into account any local or national decisions that affect the complaints process, and make any modifications necessary to this policy. This policy is made available to all parents, so that they can be properly informed about the complaints process.

This policy is reviewed every two years, or before if necessary.



APPENDIX A COMPLAINT RECORD FORM (to be used for Stages 1-3)

PART A: RECORD OF COMPLAINT

Complainant's Name:

Address:

Telephone:

Details of the Complaint:

Date Complaint Made:

Action(s) Already Taken to Resolve the Matter:

Complainant's View of what might resolve the issue:

PART B: ACTION TAKEN IN ACCORDANCE WITH THE COMPLAINTS PROCEDURE

Complaint Investigated By:

Action (with dates):

Date of formal meeting with complainant:

Outcome of the Meeting:

STEP	WHAT YOU SHOULD DO	WHAT ST. MARY'S WILL DO	TIME FRAME
1	Informally approach the member of staff involved and respectfully express your concerns.	The member of staff will make note of your concerns and will hopefully be able to resolve an issues at this level.	No formal time frame.
2	If you feel Step 1 has not worked, please make an appointment with the Key Stage Leader. This is Mrs. Hulse for KS1 and Mr. Owen for KS2.	The Key Stage Leader will record the complaint and any action taken to resolve it. The Key Stage Leader will investigate the complaint, decide what action, if needed, will be taken to resolve it and feed back to you the result.	Within 10 working days of receiving the complaint, the investigation should be complete and you should be informed of the result. If further investigation is needed, you will be informed of an extension.
3	If not happy with the result of step 2, refer directly to the Head Teacher in writing. If the complaint deals directly with the Head, refer to the Chair of Governors.	The Head Teacher will investigate the complaint personally or arrange for an independent investigation by a member of staff not related to the incident or an outside investigator.	Within 10 working days of receiving the complaint, the investigator, if used, will report back to the Head Teacher. Within 7 working days of receiving the report, the Head Teacher will arrange to meet to inform you of the result. If there is any delay due to further investigations, you will be informed.
4	If not happy with the result of step 3, refer to the Governing Body Appeal Panel by contacting the Chair of Governors in writing.	The Appeal Panel, consisting of 3 governors who will not have been involved up to this point, will look at all of the evidence that has been collected, call for any further investigations and arrange to meet with you to discuss your concerns and how you feel the issue could be resolved.	The date for the Appeal panel must be agreed by all parties within 5 working days of receiving the complaint and be held within 15 working days. A written decision will be sent to all parties within 10 working days after the panel. This is a final and binding decision.