St Edward's Complaints Policy

Name of School	**St Edward's Catholic Primary School**
Policy review date	**September 2020**
Date of next review	**September 2021**
Who reviewed this policy?	**Mr P Underwood – Head teacher**

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 our school, most concerns are likely to be expressed by the parents or carers of its pupils, though some may come from pupils themselves, parishioners, or from other interested parties such as neighbours or users of the premises.

In our Catholic school, parental/carers' concerns are of particular importance. As the first educators of their children, parents/carers have a duty to take an active interest in their school. "Since parents have given children their life, they are bound by the most serious obligation to educate their offspring." (*Gravissimum Educationis*). To this end, "there must be the closest co-operation between parents and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents and willingly listen to them." (Can.796) In our Catholic School, therefore, dealing with parental/carers' concerns is an intrinsic part of the school's ethos and mission

Nearly all concerns or questions can be resolved very quickly and informally if parents/carers feel able to voice them as soon as they arise. Feedback is always welcome and parents/carers 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 will 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.**

THE FORMAL PROCEDURE

Principles

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

- non-adversarial
- swift (using agreed time limits)
- fair (using independent investigation where necessary)
- confidential

Throughout the process, we, at St Edward's Catholic Primary School, will be willing:

- to listen
- to learn
- to admit mistakes
- to apologise if appropriate
- to address any issues raised
- to change school practice if appropriate

In using this procedure:

- 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
- 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 our school community. However formal or serious the complaint, or however dissatisfied the complainant, the aim will always be reconciliation between all parties and a renewed commitment to work together amicably. The gospel values of justice and forgiveness will always underpin the entire process.

This Complaints Procedure does not apply to:

- members of staff (who should use their own Grievance Procedure)
- procedures with their own appeal structure e.g. admissions and exclusions
- concerns about the delivery of the National Curriculum
- complaints about collective worship

It is also 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.

Outline of the Procedure
There are three stages to the formal procedure:

Stage 1
Complaint heard by a member of staff (not the subject of the complaint).
In St Edward's Catholic Primary School, the complaint will be heard by the phase leader.

The Phase leader will either hear a complaint personally or, where appropriate, refer the matter to another member of slt staff. The phase leader will also keep records of each complaint and of action taken in regard to it (using the agreed proforma, Appendix A) so that the governors of the school can be kept informed of all issues that arise and as a result can change or develop school practices where necessary or appropriate. Thus complaints about our school can be used positively as a self-evaluation tool.

Stage 2

If unsatisfied with stage one the complainant will take the complaint to the next stage, which is the head teacher. The head teacher will decide whether the complainant should be heard once again by themselves or referred on to stage three the governing body.

Stage 3

Complaint heard by Chair of Governor

If unsatisfied at Stage 1and 2 the complainant can take the complaint to the next stage.

Stage 4
Complain heard by Governor Complaint Panel
If unsatisfied at Stage 1and 2 and 3 the complainant can take the complaint to the next stage.

THE FORMAL COMPLAINTS PROCEDURE IN DETAIL

Stage 1 – Complaint Heard by the Phase Leader (The Complaints Co-ordinator)
NB The aim is to resolve the complaint at this level.

1.1 The complaint should be addressed in the first instance to the Phase leader. This may be done in person, by telephone or in writing.

1.2 The Phase leader will log the complaint (Appendix A) and either investigate the complaint personally or refer it to an appropriate member of staff. In making this decision, the phase leader will be sensitive to any indication that the complainant would have difficulty discussing the complaint with a particular member of staff.

1.3 If the complaint concerns the phase leader, It will be referred to the head teacher. If the complaint concerns the head teacher, the co-ordinator should refer it to the chair of governors.

1.4 Whoever investigates the complaint 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 unsure or further information is necessary);
- clarify what the complainant feels would put things right, clearing up any areas of misunderstanding, identifying areas of agreement and discussing 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.

1.5 **Timescales.** Within ten school days of receiving the complaint, the investigator contacts the complainant to arrange a meeting and will complete the investigation as quickly as reasonably possible. (See 1.6). At any point in the process, the phase leader may decide or agree to commission a further investigation, whether by a member of staff or a governor or an independent person (eg from the diocese or the Local Authority or another appropriate agency depending on the nature of the complaint). If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.

1.6 **When the investigation is complete**, the phase leader will consider the evidence and, whether or not he or she investigated the matter personally, will meet the complainant (with or without the person who conducted the investigation if different) to try to resolve the complaint. **Every effort should be made to resolve the complaint at this meeting.** Any of the following may be appropriate at this point:

- an acknowledgement that the complaint is valid in whole or in part;
- an apology;
- an explanation;
- a clarification of misunderstandings;
- 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.

Some of the above may require that the investigator seek authority from the head teacher. Naturally, nothing should be offered or promised that cannot be justified or fulfilled.

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

Stage 2

Complaint heard by Head teacher

2.1 If unsatisfied with the decision the complainant may refer it to the head teacher.

The head teacher will review all the information recorded by the phase leader and decide whether it is necessary to re-interview those involved. The complainant must ensure that they include details of why they are still dissatisfied and what action they would like to resolve the complaint. They can also attach any evidence to support their concerns.

2.2 The head teacher will invite the complainant in within 10 school days for a meeting.
Every effort should be made to resolve the complaint at this meeting.
If it is not then a letter using Appendix B will be used to inform the parents of the reasons and the next procedure to be taken.

2.3 If the complaint cannot be resolved, the complainant may refer it to Stage 3.

Stage 3
Complaint heard by Chair of Governors

3.1 Formal (if not resolved at stage 2)

The complaint is heard by the Chair of Governors *(this will be delegated to the vice-chair or other nominated governor/person if appropriate).*

If the complainant is dissatisfied with the response from the Head Teacher at Stage 2 they should be advised to put their complaint in writing to the Chair of Governors for consideration at Stage 3 of the procedure.

3.2 The complainant must ensure that they include details of why they are still dissatisfied with the decision, the recommendations and actions of the Stage 2 complaint and what they require to resolve the matter. They may also attach any evidence to support their concerns that can be additional to that submitted at Stages 1 and 2.

3.3 The Chair of Governors must write to the complainant within 5 days of receipt of the complaint to acknowledge this. The letter should state that another letter will follow within 20 school days setting out the actions taken to investigate the complaint and the findings.

3.4 The Chair of Governors will look at all the information pertaining to the complaint submitted by the complainant and the investigatory evidence by the school at Stages 1 and 2. The Chair may want to talk with the complainant or investigating staff members to establish facts and obtain further information.

3.5 Once satisfied that the investigation has been concluded and a decision has been reached on the complaint, the Chair of Governors will notify the complainant in writing of the conclusion. (see appendix C for letter format)

The conclusion could be:

- The evidence indicates that the complaint was substantiated and therefore upheld
- The complaint was substantiated in part and what action will be taken
- The complaint is not substantiated by the evidence and therefore not upheld

The complainant is also informed if they are still dissatisfied they can write to the Governing Body directly via the school or, Governor Services or School Management Support at Newham Partnership Working outlining why they feel the complaint is unresolved.

Stage 4- Complaint Heard by Governing Body's Complaints Appeal Panel

4.1 The complaint is heard by the Governing Body. This is the final stage of the process. (see further panel guidance in appendix D)

If the complainant is dissatisfied with the response from the Chair of Governors (or Vice-Chair) at Stage 3 they should be advised that the next stage is to put their complaint in writing to the School Governing Body at Stage 4.

4.2 The complainant must ensure that they include details of why they are still dissatisfied with the decision of the Chair, recommendations and actions of the Stage 3 complaint and what they feel would resolve the matter. They can also attach any evidence to support their concerns in addition to that submitted at Stages 1, 2 and 3.

The complaint will be acknowledged within 10 school days.

4.3 The complaint is considered by a panel of Governors who form a complaints appeal panel. The panel must be independent and impartial. No governor may sit on the

panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. The panel must have a cross-section of categories of governors and sensitive to the issues of race, gender and religious affiliation. In the event that there are insufficient numbers of governors available to participate in a Panel, the Chair of governors or Vice-Chair of Governors as appropriate may appoint associate members, on the recommendation of the Diocese, to participate solely in the relevant complaints panel. Complaints should not be shared with the whole governing body, except in very general terms

4.4 The panel must convene a meeting to discuss the complaint and all the investigation evidence to make a final decision on how to progress. A clerk should be appointed to take notes of the meeting and records must be kept.

The head teacher has a statutory duty for the internal organisation and management of the school, which they must carry out in accordance with any rules, regulations or policies laid down by the governing body. Therefore the remit of governors' consideration of a complaint about a matter of internal organisation and control will be as to whether the head teacher has followed any relevant school policies; it is not to substitute its own operational judgement for that of the head teacher.

4.5 The panel can decide:

- To convene a meeting with the complainant. If a meeting is to be convened, the person chairing the meeting either the Chair or Vice-chair (whomever did not deal with the complaint at Stage 3), will write to the complainant to acknowledge the complaint within 10 school days. The letter would also include the date, time and venue of the convened meeting to hear the complaint.
- Decide on the appropriate action to be taken to resolve the complaint
- For non-complex complaints, not to meet with the complainant, but to use all the information available to them and make a decision on the complaint as there is enough information to allow for a decision to be made.

Possible outcomes for the Panel

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Recommend changes to school systems or procedures to ensure that similar do not occur

An outcome letter will be sent to the complainant within 20 school days of the meeting.

4.6 Vexatious Complaints: 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. If the complainant 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.

Confidentiality
All records of complaints must be kept strictly confidential, except where a legitimate subject access request is made under The Data Protection Act 1998.

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 diocese or 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. In the case of Academies the complaint would be directed to the Education Funding Agency.

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.

Policy for unreasonable complaints
St Edward's is committed to dealing with complaints fairly and impartially. And to providing a high quality service to those who complain.
We therefore do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
St Edward's defines unreasonable complaints as "those who, because of their frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints.

It may also be considered unreasonable if the complainants does so face to face, by telephone in writing:

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive language
- Knowing it to be false
- Using falsified information
- Publishing falsified information on social media

Whenever possible the head teacher or chair of governors will speak to the complainant and explain why it is considered unacceptable.

If necessary the complainant will be asked to limit the number of contacts in a communication plan.

In response to any serious incidents of aggression the police will be informed and this may involve banning individuals form the school premises.

Barring from Premises.

Although fulfilling a public service schools are private places. The public has no automatic right of entry. Therefore the school must act to protect the safety of the children and staff within the community.

Appendix A

Complaint Form- St Edward's

Please complete and return to …….. (named person or school office) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Daytime telephone number: Evening telephone number:
Please give details of your complaint:

What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?
What actions do you feel might resolve the problem as this stage?
Are you attaching any paperwork? If so, please give details.
Signature: Date
OFFICIAL USE
Date acknowledgement sent:
By who:
Complaint referred to:
Date:

Appendix B

Model letter - Complaint not heard

Dear ,

Following receipt of your communications and careful consideration of the same, I regret that I am unable to deal with this matter under the School Complaints Procedure as. The reason for this is that:

- You have not identified any specific actions of which you might complain
- Your concerns are presented as conclusions rather than specific actions of which complain.
- The concerns that you identify relate to historical actions and any evidence which might have enabled an objective investigation of your complaint is no longer available.
- The substance of your complaint has been addressed under this procedure already.
- The concerns that you raise do not fall within the scope of this procedure.
- You have not identified any potential sources of evidence which might allow the matter to be investigated.
- The school offered to resolve the matter informally and in my judgement you refused unreasonably to take advantage of this.

If you wish my decision to be reviewed then you may take advantage of (Stage 3 / Stage 4) of the procedure by writing to the Clerk to the Governing Body, care of the school.

Yours sincerely,

Head Teacher
or Chair of Governing Body

Appendix C

Model letter – Decision notification

Dear ,

Following receipt of your complaint and careful consideration of all the available relevant evidence, I have concluded that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld. If you are able to provide additional evidence forthwith I/we will reconsider this decision.

OR

- The concern is not substantiated by the evidence in that ……

OR

- The concern was substantiated in part/in full, as ……. The school will review its practices/procedures……. with the intention of avoiding any reoccurrence. Parents will be informed in due course of any policy changes.

OR

- In order to address fully the matters investigated, the school has initiated appropriate internal procedures. Due to the nature of these procedures, their outcome must remain strictly confidential. We are confident, however, that the circumstances that gave rise to your complaint should not recur.

I hope that we may now put this matter behind us and work together for the benefit of your child's progress.

Yours sincerely,

Head Teacher / Chair of Governors/Trust Board

c.c. Head Teacher

Appendix D

Checklist for a panel hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint and be followed by their witnesses.
- The head teacher may question both the complainant and the witnesses after each has spoken.
- The head teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the head teacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The head teacher is then invited to sum up the school's action and response to the complaint.
- Both parties leave together while the panel decides on the issues.

- The Chair explains that both parties will hear from the panel within a set time scale.

The process set out above is based on the Head Teacher and complainant being present at the same time. There are occasions where this is not the appropriate arrangement in order to ensure a fair and full consideration of the case. In such cases it is likely that the complaint will be seen first and the Head Teacher at a later stage. At the separate meeting with the complainant, the principles set out above should be followed.