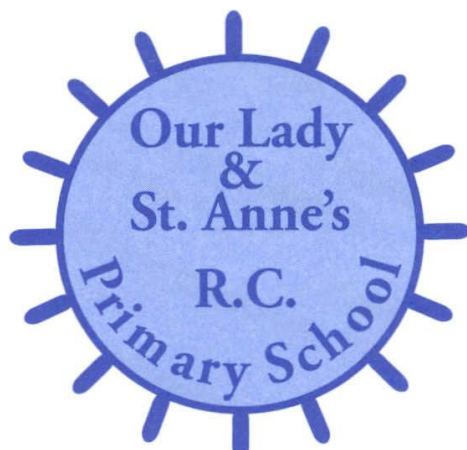




# Complaints Policy

## 2018-19



**School: Our Lady & St Anne's RC Primary School**

**Head Teacher: Michael O'Brien**

**Named personnel with designated responsibility for: Complaints**

Academic year	Designated Lead	Chair of Governors
2018-19	Michael O'Brien	Christine Baker

**Policy review dates:**

Review Date	Changes made	By whom	Date Shared
December 2018	Policy reviewed, no changes made	Zelda Clennell	5 <sup>th</sup> December 2018



## **Safeguarding Statement:**

At Our Lady & St Anne's RC Primary School we respect and value all children and are committed to providing a caring, friendly and safe environment for all our pupils so they can learn, in a relaxed and secure atmosphere. We believe every pupil should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by, or invited to deliver services at Our Lady & St Anne's RC Primary School. We recognise our responsibility to safeguard all who access school and promote the welfare of all our pupils by protecting them from physical, sexual and emotional abuse, neglect and bullying.

## **Introduction**

Our Lady & St Anne's RC Primary School aims to provide an excellent level of education and care for the children and families that it serves. We welcome feedback about our successes and strengths, and also about those aspects of our work that are less successful. We try to serve as efficiently and as courteously as possible, but acknowledge that there are occasions when we might fall short of the standards that are expected. We welcome comments and complaints as an opportunity to improve the quality of our provision.

If you feel that there has been a problem in the way that you or your child have been treated by school, or you are unhappy about the general standards provided, then you can make a complaint. This document explains how to do this, and the procedure for making sure that complaints are dealt with in a fair and consistent way. Please note that school will not investigate complaints made anonymously.

Special procedures are available for complaints about the school failing to meet National Curriculum requirements, a child's special educational needs, or a decision to exclude a child from school. Details of these procedures are available from school. The Children's Services Department of Newcastle City Council has a complaints policy and procedures which relates to the services provided directly by the council.

The vast majority of concerns can be dealt with quickly and easily without the need to register a formal complaint. You may need clarification from school staff about particular issues, or have concerns which you wish to discuss. We aim to respond to queries quickly and to give an appropriate response. This avoids the need for time consuming and complicated procedures in all but exceptional circumstances. We believe that open and honest communication between home and school helps us to achieve success for every child that we work with.

At all times we will:

- Enable 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

### **Timeliness**

Whilst we recognise that complaints need to be considered and resolved as quickly as efficiently as possible we also recognise how "individual" a complaint is. Throughout the stages below we will:

- Set realistic and reasonable time limits for each action within each stage (where further investigations are necessary, set new time limits, send the complainant details of the new deadline and give an explanation for the delay.
- Understand that the school does not consider excessive time limits to be reasonable or acceptable, except for extenuating circumstances:
- Although the school would seek that complaints should be made as soon as possible, we will "listen" at any point.

### **Raise your complaint**

#### **Stage 1: Informal Action**

Most parental concerns can be dealt with by the class teacher. Depending upon what their concern is, it is always best to try to deal with it informally initially. Most complaints can be dealt with at the informal stage and resolved very quickly, which is usually the best outcome for most issues.

The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. Therefore, if staff and governors are aware of the procedure, they will know what to do should they receive a complaint.

Where the first approach is made to a governor, the complainant should be referred to the appropriate person, made aware of the procedure and where they can obtain a copy of the complaints procedure. Individual governors should not act unilaterally in relation to an individual complaint as they may be required to be part of a panel at a later stage of the procedure, and it is important that they remain impartial for that occasion.

#### **Complaint against a member of staff**

If a member of staff approached feels too compromised to deal with a complaint, the complaint could be referred to another member of staff (e.g. classroom teacher, member of leadership team, Deputy Head teacher). That member of staff may be more senior, but does not have to be. The ability to consider the complaint objectively and impartially is crucial. If the class teacher or another member of the school staff cannot help, the complainant could be referred to the Head teacher still as part of the informal stage.

If the complainant remains dissatisfied with the outcome of informal action where this has been dealt with by a member of staff, they should put their complaint in writing to



the Head teacher – Stage 2 Formal Action. However, if the complainant remains dissatisfied with the outcome of informal action where this has been dealt with by the head teacher, the matter should be progressed to Stage 3 Formal Action and be heard by the Chair of Governors.

### **Complaint against the Head teacher**

If a complaint is against the Head teacher, it may be appropriate to refer directly to the Chair of Governors under Stage 2 Formal Action. However, if there is any possibility of informal resolution being achieved between the complainant and the Head teacher, this should be considered and sought before formal action is taken.

### **Stage 2 & 3 Formal Action**

While the formal stage begins at this point, it is worth bearing in mind that the procedures explained throughout Stages 2 and 3 are there to ensure an equitable and fair process for all concerned, it is not a legal process.

The written complaint should be acknowledged by the Head teacher (where the complaint is against a member of staff), or Chair of the governing body (where the complaint is against the Head teacher) within five school days.

An opportunity to meet with the complainant to discuss the grounds for the complaint can be offered as part of this stage of the process. At this stage the Head teacher or Chair of the Governing body may still seek to resolve the complaint informally.

The Head teacher or Chair of the governing body will investigate the complaint.

A written response will normally be issued within 10 days of receipt of the complaint, or from the date when the complainant meets with the Head teacher (or Chair of the governing body). If this time limit needs to be extended, the complainant will be both advised of the new deadline and given an explanation.

### **Stage 4**

### **Complaint Heard by Governing Body's Pupil's, Discipline, Complaints and Appeals Panel**

If it has not been possible to resolve the complaint at any of the earlier stages, then the Chair of Governors will arrange for a Governors' Appeal Panel to formally review the matter. Complainants need to be aware that while Governor Complaint appeal hearings are reasonably rare occurrences, this is a very formal process and that all parties directly involved have the right to provide evidence statements and to call appropriate witnesses. Complainants will have the right to bring someone along for support, but that person will not be allowed to participate in the appeal hearing itself.

A Complaints Appeal Panel, consisting of three governors, will be appointed annually by the governing body. This panel will have delegated power to hear and finally determine complaints. Ideally, the make-up of the panel should reflect the make-up of the governing body and/or the profile of the pupils in the school. Any governor who



has prior involvement in or detailed knowledge of a particular complaint or its investigation may not sit on the panel hearing that complaint. It would be advisable, therefore, for the governing body to agree alternative panel members in case of such a circumstance.

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:

- be prepared to hear complaints without preconceptions;
- examine and discuss the matter fully so that they ensure that they have every piece of information or evidence that they require;
- be prepared to commission, organise or conduct further investigations if necessary;
- give the complainant the opportunity to express their dissatisfaction and worries and to suggest what might put things right;
- 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 Head teacher wishes to submit information in writing to the panel, they should send it to the clerk to the governors 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. Since the aim of the procedure is to resolve the issue and effect reconciliation if necessary, it will be best 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.

### **The Meeting of the Governing Body's Pupils, Discipline, Complaints and Appeals Panel**

**Before the meeting:** Members of the panel should consider carefully any documentation from the Head teacher or the complainant but should not discuss the matter with anyone, 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:**

- One of the panel must act as chair and there should be a clerk for the meeting.
- A member of the diocesan Department of Schools may be invited to advise and support the panel.
- 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; the Head teacher 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.

- 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:

- confirm to all parties in writing the date, time and venue of the hearing;
- receive and distribute any documentation to be read before the hearing;
- meet and welcome all parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision. (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 :

- that the procedure is properly followed (with the support of the diocesan Department of Schools if requested);
- 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;
- that the issues are addressed;
- that all parties are put at their ease, especially any who may not be accustomed to speaking at such a hearing;
- that the proceedings are kept as informal as possible and that everyone treats each other with respect and courtesy;
- that the panel operates in an open-minded and independent way;
- that time is given for all parties to consider any 'new' evidence.

**Order of Proceedings for the Hearing of the Complaint**

- Welcome, introductions and explanations of the proceedings by the chair.
- The complainant is invited to explain the complaint.
- The Head teacher may question the complainant.
- The panel may question the complainant.
- 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 Head teacher may question them, and then the panel may question them. In each case, the witness may leave after their 'evidence'.
- The Head teacher is invited to explain the school's actions.
- If there are any witnesses for the school, they are treated in exactly the same way as the witnesses for the complainant.





- When the chair is sure that all parties have asked all that they need to, the complainant is invited to sum up their complaint.
- The Head teacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within three school days following the day of the hearing.
- Both parties leave together while the panel decides on the issues (advised by the diocesan Department of Schools member if there).

**Options Open to the Panel** The panel may:

- 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.

**After the Hearing** The following actions need to be taken.

- 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.
- The clerk writes up the notes of the meeting and gives a copy to the chair of the panel.
- The clerk ensures that any recommendation to change school procedures is put on the agenda for the next governing body meeting.

**Resolving Complaints**

The process of resolving the complaint will usually include identifying areas of agreement between the parties, and clarifying any misunderstandings that might have occurred.

Other possible outcomes may include one or more of the following:

- an acknowledgement that the complaint is justified;
- 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;
- dismissal of the complaint in whole or in part.

An admission that the school could have handled the situation better is not the same as an admission of negligence.

There may be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the school considers the matter to be closed.



## **Complaints not in scope of the procedure**

Exceptions:

- Admissions to Schools
- Statutory assessments of Special Educational Needs (SEN)
- School re-organisation proposals
- Matters likely to require a Child Protection Investigation.
- Exclusion of children from school further information about raising concerns about exclusion can be found at: [www.gov.uk/school-discipline-exclusions/exclusions](http://www.gov.uk/school-discipline-exclusions/exclusions).
- Whistleblowing. Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: [whistleblowing@ofsted.gov.uk](mailto:whistleblowing@ofsted.gov.uk) or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
- Staff grievances and disciplinary procedures - These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
- Complaints about services provided by other providers who may use school premises or facilities. Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

## **Serial and Persistent Complainants**

The school will do their best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, the school will need to act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for the school to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

Under no circumstances will an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.





## **Is it time to stop responding?**

The decision to stop responding will never be taken lightly. Before the school stops responding we will have:

- Made every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school position and their options and the complainant repeatedly continues to complain with the same points each time.
- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

The school will not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what the school can refuse to respond to, not the correspondent.

The school understands that the complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the school involved is failing to comply with its legal obligations. The school will ensure that we are acting reasonably and that any genuine complaint will still be heard.

Ultimately, if a complainant persists to the point that the school feels that it constitutes harassment; legal advice will be sought as to the next steps. In some cases, injunctions and other court orders have been issued to complainants because of their behaviours.

Once the school has decided that it is appropriate to stop responding, we will let the complainant know. Whenever possible, the Head teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the Head teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school. Although fulfilling a public function, the schools are private places. The public has no automatic right of entry. The school will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, the school will ask him/her to leave school premises. In serious cases, the Head teacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. The school will always give the parent the opportunity to formally express their views on the



decision to bar in writing. The decision to bar will then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Head teacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## **REPORT**

A brief report will be presented to the Governing Body annually, which will detail:

- the number of complaints;
- the subjects concerned;
- the time taken to resolve complaints;
- the assessment of complainant satisfaction;
- changes brought about as a result of reviewing complaints;

This will normally be undertaken in the Summer Term for the previous year.

Complaints will also be reported to the Senior Leadership Team so that the school's service can be improved and that school policies can be reviewed as appropriate.

This policy will be published on the school's website and be available as a hard copy.