

In God's love we believe and achieve



St. Michael's

Catholic Primary School

Complaints Policy

Mission Statement

**In God's love we believe
and achieve**

As a welcoming Catholic community we will:

- **Follow in the footsteps of Jesus**
- **Deliver the best possible education for all of our children**
- **Value and love each other in our school and our community**
- **Provide an inclusive environment where everybody reaches their full potential**



School complaints procedure

Introduction

At St Michael's Catholic Primary School, we have an open door policy and work in close partnership with our parents, children, Governors, families and local community. We are always looking for ways we can improve and welcome constructive feedback. We will address all concerns, questions or issues as timely as possible and strive to ensure all of our stakeholders are happy and satisfied.

Guidance notes

If you have a concern or complaint we would like you to tell us about it. Be assured that no matter what you are wanting to tell us, our support and respect for you and your child in the school will not be affected in any way. Please tell us of your concern as soon as possible. It is difficult for us to investigate properly an incident or problem which has happened some time ago.

What to do first

Most concerns can be sorted out quickly by speaking with your child's class teacher. Any teacher or the office staff can help you find the right member of staff. If you have a concern which you feel should be looked at by the Headteacher in the first instance you can contact them straightaway if you prefer. It is usually best to discuss the problem face to face. You may need an appointment to do this, and can make one by ringing or calling in to the school office. You can take a friend or relation to the appointment with you if you would like to so that they can support you.

All staff will make every effort to resolve your problem informally. They will make sure that they understand what you feel went wrong, and they will explain their own actions to you. They will ask what you would like the school to do to put things right. Of course, this does not mean that in every case they will come round to your point of view but it will help both you and the school to understand both sides of the question.

It may also help to prevent a similar problem arising again

Overview

The main purpose of this Policy is to ensure that parents/carers (or other stakeholders) at our school feel that their point of view is acknowledged, recognised and welcomed as part of our own school development. It is vital

that parents/carers believe that issues are dealt with effectively and efficiently within a professional and caring manner - with the child's best interest at heart.

Where there are statutory or other procedures for the dealing with a complaint, these will be followed. These guidelines do not cover those matters already provided for such as:

- Admissions
- Exclusions
- Special Educational Needs
- Assessment
- Special Educational Needs and Disability Tribunal (SENDIST)
- Serious complaints against staff
- Staff grievance and disciplinary matters
- Child Protection issues

It may be that action under the complaints procedure may lead to action initiated under other (e.g. statutory) procedures. In these cases the investigations under the complaints procedures will be suspended until action under the other procedure has been concluded.

Key principles

Framework of Principles

The aims of our complaints procedures are to:

- Encourage resolution of problems by informal means wherever possible
- Be easily accessible and publicised
- Be impartial
- Be non-adversarial
- Allow swift handling within established time-limits for action and keeping people informed of the progress Ensure full and fair investigation by an independent person(s) where necessary
- Respect people's desire for confidentiality
- Address all points at issue and provide an effective response and appropriate redress, where necessary Provide information so that services can be improved.

Guidelines

Investigating Complaints

The Headteacher will make sure that he:

- Establishes what has happened so far, and who has been involved
- Clarifies the nature of the complaint and what remains unresolved
- Meets with the complainant or contacts him/her (if unsure or further information is necessary)
- Ascertains how the complainant feels and what would put things right
- Interviews those involved in the matter, allowing them to be accompanied if they wish
- Conducts the interview with an open mind and is prepared to persist in the questioning
- **Keeps notes of the interview.**

Resolving Complaints

At each stage in the procedure the school will keep in mind the ways in which the complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or 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 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.

At this point, it is useful if complainants are encouraged to state what actions they feel might resolve the problem. An admission that the school could have handled the situation better is not the same as admission of negligence.

An effective procedure will identify areas of agreement between the parties. 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.

Time Limits

Complaints will be considered and resolved as quickly and efficiently as possible. There will be, where possible, a time limit of ten working days. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Complaints about the Headteacher or the Governors

Where a complaint concerns the Headteacher, the complainant should first approach the Headteacher in an attempt to resolve the issue informally. If the complainant is not satisfied with this outcome they should notify the Chair of Governors that they wish to take a complaint forward. The Stage 3 process will then commence and the Chair of Governors will take the process forward.

Where a complaint concerns a Governor, the same process applies as for the Headteacher. Where a complaint concerns the Chair of Governors the procedure at Stage 3 will apply but the Vice Chair of Governors or an independent investigator will take the process forward.

SEND

It is in everyone's interests for complaints to be resolved as quickly and at as low a level as possible and our SEND complaint procedure is as follows:

- The complaint is dealt with by the class teacher - the complainant needs to feel that they have been listened to and that all points raised have been addressed.
- If the matter remains unresolved, the complaint is dealt with by the SENDCo or Head teacher as deemed appropriate.
- If the matter is still not resolved, the complainant must put their complaint in writing to the Chair of Governors. The Governing Body will deal with the matter through their agreed complaint resolution procedures.
- In the unlikely event that the matter is still not resolved, the parent can then take the complaint to the Local Authority or request independent disagreement resolution.

The Stages of the Complaints Procedure

Dealing with Complaints - Initial concerns

At St. Michael's Catholic Primary School, it is hoped that all complaints and concerns are resolved as early and informally as possible. We feel that there is a distinct difference between an informal concern and the more formalised complaint.

A concern or problem may be dealt with, in most cases, by the class teacher, school Office Manager, Administrative Assistant or Headteacher, depending on whom the complainant first approaches and, in these early stages, the complaint may be resolved informally through discussion.

It is important that there is a record of the complaint and this is given to the Headteacher immediately.

Dealing with Formal Complaints

Formal procedures will need to be invoked when initial attempts to resolve the situation are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further. In some cases the Headteacher may already be involved in the matter, in others it will be their first involvement.

Stage One - Complaint heard by a Staff Member

The experience of the first contact is crucial and can determine whether the complaint will escalate.

The ethos of our school is to handle all views of complainants with respect and courtesy. Therefore, a complaint should be handled confidentially and, as such, should not be discussed with another party such as another parent/carer. If the complainant feels that he/she would have difficulty discussing a complaint with a particular member of staff, then the Headteacher can refer the complainant to another member of staff. Where the complaints are about the Headteacher, the complainant will be referred to the Chair of Governors.

Similarly, if the staff member directly involved feels too compromised to deal with a complaint, the Headteacher may consider referring the complainant to a senior member of staff. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors should not act unilaterally on an individual basis outside the complaints procedure or be involved at the early stage in case they are needed to sit on a panel at a later stage of the procedure. A further consideration is that if the details are discussed with other Governors, the

information to *Governors* may become tainted and the ability to remain impartial is compromised.

Stage Two - Complaint heard by Headteacher

At this point the complainant may be dissatisfied with the way the complaint has been handled at Stage One as well as pursuing their original complaint. The Headteacher may delegate the task of collating the information to another member of staff, but not the decision on the action to be taken.

The complainant will be advised of the investigative procedures and a target date for a written response will be given. This will normally be ten working days. If this proves unworkable, a letter will be sent explaining the reason for the delay and a revised target date set.

The investigation may include interviewing a child. In this case, another adult with whom the child feels comfortable may be present, such as their class teacher or teaching assistant. In certain cases, depending on the nature of the complaint, it may be appropriate to invite the child's parent/carer to be present when the Headteacher interviews the child. The Headteacher will keep written records of meetings, telephone conversations and other contacts.

It may be possible even at this stage to find a solution to the problem. The Headteacher will provide an opportunity for the complainant to meet with him to supplement any further information and it will be made clear that the complainant may be accompanied by another person who may need to speak on his/her behalf.

Stage Three - Complaint heard by the Governor Panel

The complaint will be heard by a Governor Panel consisting of three *Governors*. The complainant will be advised that should they wish to take the complaint further they should notify the Chair of the Governing Body within ten working days of receiving the outcome letter.

Complaint heard by Another Governor Panel: Appeal

The *Governors'* appeal hearing is the last school-based stage of the complaints process and it is their role to examine all the information impartially, regardless of previous decisions. The appeal against the original Governor Panel decision is heard by three *Governors* not involved in the original

decision. The timescale between the letter informing the Chair of Governors that the complainant is still dissatisfied and the complaint being heard by the Governor Panel is twenty working days.

Individual complaints are not heard, at this stage, by the whole Governing Body, as this could compromise the impartiality of any panel set up for a hearing.

Responsibilities delegated to the Governor Panel include:

- Drawing up procedure
- Hearing individual appeals
- Making recommendations on policy as a result of complaints.

The remit of the Governor Panel is to:

- 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 system or procedures to ensure problems of a similar nature do not recur.

Important issues to remember are:

- The appeal hearing is independent, impartial and unprejudiced
- No Governor may sit on the Governor Panel if he/she has prior involvement in the complaint
- There is a cross-section of categories of Governors to ensure sensitivities towards race, gender and religious affiliation
- The meeting is held in private, preferably in a 'neutral venue'
- The aim is to resolve the complaint and achieve reconciliation between school and complainant
- The complainant may not be satisfied with the outcome if the hearing does not find in favour
- It may be only possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously
- The complainant may feel nervous
- Parents/carers often feel emotional when discussing their child
- The panel needs to be as welcoming as possible
- Extra care needs to be taken when the complainant is a child where the atmosphere should ensure that the child does not feel intimidated
- Where the child's parent/carer is the complainant, it will be necessary to say which part of the hearing, if any that the child needs to attend.

Roles and Responsibilities of the Governor Panel

The Role of the Clerk

The role of the Clerk is to:

- Set the date, time and venue of the hearing, ensuring the dates are convenient to all parties and the venue proceedings are accessible
- Collate any written material and send it to all parties in advance of the hearing
- Meet and welcome all parties
- Record all proceedings; (meetings must be clerked/ minuted and retained) Notify all parties of the Panel's decision.

The Role of the Chair of Governors

The role of the Chair of Governors is to:

- Check that the correct procedure has been followed
- If the hearing is appropriate, notify the Clerk to arrange the panel
- Write to the complainant to acknowledge receipt of the written request
- The acknowledgement will inform the complainant that the complaint will be investigated by the Governor Panel within twenty working days of receiving the request
- The complainant will also be informed of the right to submit any further documents relevant to the complaint which must be received in time for them to be submitted to the members of the Governor Panel.

The Roles of the Chair of the Governor Panel

It is important that members of the Governor Panel have no prior involvement in the case e.g. staff members or the Headteacher.

The Chair of the Panel has a key role, ensuring that:

- The remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The issues are addressed
- Key findings of fact are made
- Parents/carers and others who may not be used to speaking at such a hearing are put at ease
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- The Panel is open minded and acting independently

- No member of the Panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- Each side is given the opportunity to state their case and ask questions
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it
- All parties are made aware of the hearing at least ten working days before the meeting
- They will invite the Headteacher to provide a written report
- All parties will receive documentation five working days before the meeting
- If either parties wish to present previously undisclosed information, then the proceedings should be adjourned so that either side has time to consider the new information
- The Headteacher, complainant and any other staff members may be interviewed separately so that the Panel can have an unbiased view of the complaint
- Both parties may wish to have present a representative, if they wish.

The Governor Panel will then consider the complaint and all the evidence presented and:

- Reach a unanimous, or at least a majority decision on the complaint. Where there is disagreement Governors evaluate the evidence carefully and apply the civil standard of proof, that is, the balance of probabilities (more likely than not). Decisions must be supported with evidence.
- Decide upon the appropriate action to be taken to resolve the complaint
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

The recommendations will be reported to the Governing Body at the appropriate time.

A written statement outlining the decision of the Governor Panel must be sent to the complainant and the Headteacher. If any action is to be taken against a member of staff, to protect the rights of the staff concerned, only the phrase 'Appropriate action has or will be taken' should be used.

Notification of the Panel's Decision

The Chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline of five working days. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

OFSTED

OFSTED can consider complaints if they affect the school as a whole, if:

- The school is not providing a good enough education;
- The pupils are not achieving as much as they should, or their different needs are not being met;
- The school is not well led and managed, or is wasting money;
- The pupils' personal development and wellbeing are being neglected.

Managing and Recording Complaints

Recording Complaints

It is important to record any complaints up until the final outcome. A complaint may be made by person, by telephone or in writing. If the person wishes to make a complaint in writing, the form in Appendix 1 should be used. If the complaint has been made orally, the form in Appendix 2 should be used to keep brief notes of the complaint and the action taken. It is important that the school and the complainant have the same understanding of what was discussed and agreed.

The Headteacher has the responsibility for the records and holding them centrally.

Audio and Video Recordings

Meetings or telephone calls are not recorded without the permission of all those present and schools are advised not to consent to such a recording, unless there is a very good reason, for example, it is required to accommodate someone with a disability.

If a recording is made without the consent of those present, as calls and meetings are generally private matter, the civil rights of those present will have been breached.

The Governing Body Review

The Governing Body monitors the level and nature of complaints on an annual basis to ensure the effectiveness of the procedures and to make changes where necessary. However, anonymity is important.

As well as addressing individual complaints, the process of listening to, and resolving complaints will contribute towards school improvement. The monitoring and review of complaints by the school and Governing Body is a useful tool in evaluating our school's performance.

Publishing the Procedures

The complaints procedure is publicised through the school website.

POLICY REVIEW

The Policy and Procedures for School Complaints is reviewed in the light of guidance, training, changes in legislation, or following an evaluation of effectiveness. The staff and Governing Body will agree any amendment

Policy Reviewed by Governor

Name of Governor.....

Signature of Governor.....

Date of Review

Appendix 1.

St Michael's Catholic Primary School

School complaints procedure

Your name:

Child's name:

Your relationship with the child:

Address (including Postcode):

Daytime telephone number:

Evening telephone number:

Please give details of your complaint:

**What action, if any, have you taken to try to resolve your complaint?
(Who did you speak to and what was the response?):**

What actions do you feel might resolve the problem at 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 ii

St Michael's Catholic Primary School

School complaints procedure

Complaint record form

Please complete and return this form to the Headteacher who will acknowledge receipt and explain what action will be taken

Stage 1

Teacher's name:

Name of Complainant:

Pupil's name and Class:

Details of the complaint giving dates and times:

What action has been taken to resolve the complaint:

Is the complainant satisfied or does the complaint need to go to Stage 2?

Signed:

Date:

St. Michael's Catholic Primary School

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 Headteacher may question both the complainant and the witnesses after each has spoken
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses
- The complainant may question both the Headteacher 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 Headteacher is then invited to sum up the school's actions 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.