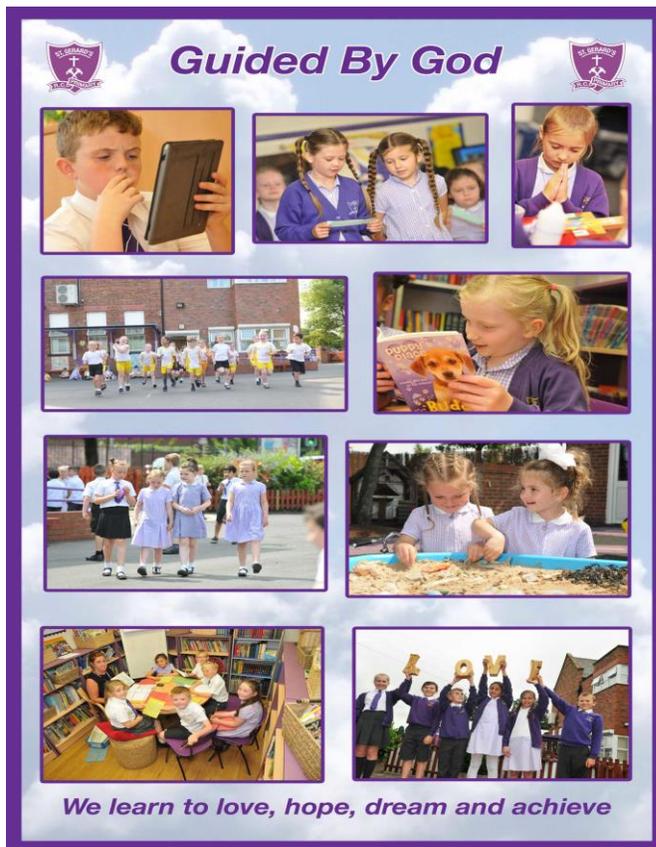


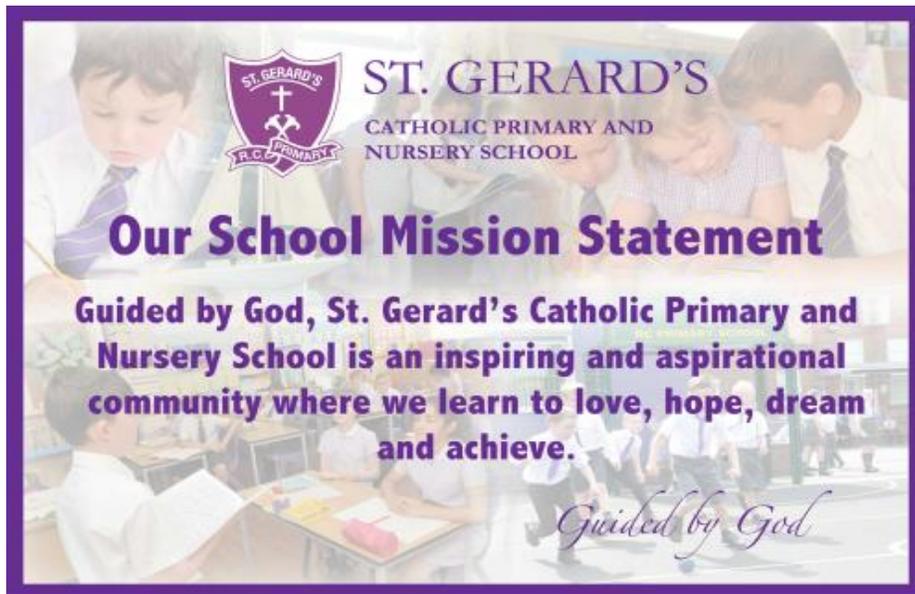


St Gerard's Catholic Primary and Nursery School



Complaints Policy

Agreed by Governors November 2016
Signed (Chair of Governors) Ms Sharon Miller



SAFEGUARDING STATEMENT



“St Gerard’s Catholic Primary and Nursery School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment”.

Complaints Policy

AGREED BY GOVERNORS: October 2016

REVIEW DATE: October 2018

Rationale

The following complaints procedures are aimed at ensuring that practices are in place to deal with complaints that are not easy to define and it is important to distinguish between concerns, problems and complaints. Complaints can often arise from the consequences or perceived consequences of resource allocation, operation difficulties, working practices or individual actions.

Purposes

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)
- ◆ Elucidates how the complainant feels and what would put things right
- ◆ Interviews those involved in the matter and/or those complained of, 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 our 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 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.

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.

Vexatious Complaints

A 'vexatious' complaint is described by the Information Commissioner as 'complaints that would impose a significant burden on a body in terms of expense or distraction and:

- ◆ does not have any serious purpose or value;
- ◆ is designed to cause disruption or annoyance;
- ◆ has the effect of harassing the organisation;
- ◆ can be characterised as obsessive or manifestly unreasonable'.

The Local Government Ombudsman determines that complainants are 'vexatious' when 'the nature or frequency of their contacts with an organisation hinders the organisation's consideration of their, or other people's complaints'. The Ombudsman differentiates between 'persistent' and 'unreasonably persistent' complainants.

Following these complaints procedures will aim to limit the number of complaints that become protracted. However, there will 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 is able to limit school communication with the complainant; inform him/her in writing that the procedure has been exhausted and the matter is now closed; and, as a last resort, ban the complainant from the premises.

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 between Foundation Stage, Key Stages 1 and 2 and twenty working days between Key Stages 2 and 3. 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.

The Stages of the Complaints Procedure

Dealing with Complaints – Initial concerns

At St. Gerard's Catholic Primary and Nursery 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. (Appendix)

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 her 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 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.

Stage Four – Referral to the Secretary of State, Local Government Ombudsman or OFSTED

The Secretary of State

Appeals can be taken to the Secretary of State for Education under section 497 of the same Act, on the grounds that the Governing Body or LA has failed to discharge its duties under the Act. A school complaints form is on the DfE website for this purpose.

Local Government Ombudsman (LGO)

Complaints about the maladministration of Local Authority Services including the way it operates any general complaint procedure may be made to the Ombudsman.

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, but it is not a criminal offence.

The Courts usually refuse to consider a recording made without consent, unless it is in the interests of justice to do so.

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 amendments.

St. Gerard's Catholic Primary and Nursery 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:

St. Gerard's Catholic Primary and Nursery School
School Complaints Procedure
Complaint Record Form

Please complete and return this form to the Headteacher (Complaints Co-ordinator) 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:

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.

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