

Saints Peter and Paul Catholic Primary School



Complaints Procedure

HANDLING GENERAL COMPLAINTS IN SCHOOLS

1. INTRODUCTION

(a) Why do we need guidance and monitoring of school complaints?

Parents and pupils are stakeholders in the educational system. If they are unhappy about something, there should be a clear system and route for them to make the school aware of their concerns - even if all that is entailed is an explanation of why something happens the way that it does.

It should be possible to deal with most complaints informally as detailed below. However, for those situations where this is not the case, this procedure provides schools with a useful framework within which to investigate and deal with complaints. It can also provide a school with the means to identify an area of concern at an early stage and to tackle it quickly and effectively.

(b) What could a complaint be about?

Headteachers and Governing bodies are responsible for the day to day running of schools. The kinds of issues that might lead to a complaint being made may include:

- Bullying
- The school environment
- Discrimination on the grounds of race or gender
- Staff conduct
- Decisions about exam entries

(c) What issues does the complaints procedure not deal with?

There are existing statutory procedures and bodies, Human Resources or other procedures for dealing with each of the following issues:

- Complaints about the statementing process for children with special educational needs
- Disciplinary and capability issues relating to a member of staff (although sometimes this may come about as a result of a complaint)
- Complaints about a contractor or Council employee
- Allegations of abuse of children, criminal or financial matters
- Admissions and exclusions
- Provision of collective worship and religious education

- Complaints regarding the delivery of the National Curriculum

This guidance does not cover the above complaints as these will be dealt with under other existing management or statutory procedures. Complaints that are considered repetitious or vexatious will not be dealt with under this procedure. Should any parent report a general complaint to the LEA then that parent will be directed to the school for the matter to be considered by the Headteacher.

THE STAGES FOR MAKING A COMPLAINT

The complaints procedure is designed to give anyone who has a grievance, the opportunity to have their voice heard, and to provide a route to a succession of higher authority, if the complainant is unhappy at any stage with the informal response he or she has initially received.

(a) Dealing with Complaints on an Informal Basis

The informal stage is when the school is contacted by a parent or pupil or other person who is not happy about something that has happened, or is happening in school. It may take the form of a letter, a telephone call or a visit to the school. The school should provide parents/pupils with the opportunity to discuss their concerns with the appropriate member of staff.

At this stage, the Headteacher, or other member of staff as designated by the Headteacher, should attempt to resolve the concerns. It may be helpful to identify at this point what sort of outcome the complainant is looking for. This will help tackle minor concerns quickly and effectively. Any appropriate actions should only be written down if this is felt to be necessary by the Headteacher.

If a concern relates to a Headteacher, the parent should be advised to contact the Chair of the Governing Body, although wherever possible parents should try to resolve any concerns they have with the Headteacher before doing so.

It is important that both parents and school try to reach a resolution to any concerns. A more formal investigation of the complaint should only be initiated if this is not possible.

Nearly all complaints become formal at the point at which the complainant believes that no one is listening to them or taking their concerns seriously. Strategies that can be adopted to ensure the majority of complaints are resolved informally include:

- being able to apologise for someone's negative experience
- introducing positive feedback systems such as a suggestion scheme - being open and available to hear criticisms
- listening to low level grumbles and acting upon them
- receiving negative feedback without defending
- recognising hostility as an expression of caring

The introduction of such strategies will contribute towards increasing parental satisfaction and potentially reduce the number of complaints a school will receive. It is equally recognised that parents must also take a balanced approach when raising issues/complaints regarding their experiences and Governors may consider further emphasising this within home/school agreements.

(b) Stage 1- Formal Complaint to the Headteacher or Chair of Governors.

If the complainant is not satisfied with the response received informally, then he/she should be given the opportunity to take the complaint to the next stage of the process, and ask the Headteacher to investigate. If the Headteacher has already had extensive involvement at the informal stage, or if a complaint is about a Headteacher, the Chair of Governors or other Governor as designated by the Chair, should carry out the investigation of this stage of the complaint. The complainant **must** submit the complaint in writing.

i) Formal Complaint to the Headteacher (in relation to complaints not concerning the Head and/or a governor)

An oral or written acknowledgement should be provided within 5 school days of receiving the formal complaint. A target date for response should be given, usually within 15 school days. If this is not possible, an explanation should be given, with a revised target date. A copy of the complaints procedure should also be provided to the complainant.

If the complaint is about a member of staff the Headteacher should provide the member of staff with a copy of both the complaint and the complaints procedure.

The Headteacher should provide the complainant with the opportunity to meet to discuss the complaint further. It is reasonable to allow a friend or advocate to accompany the complainant to the meeting if the complainant wishes. All parties have the right to be accompanied at each stage of the procedure by either a friend or his/her trade union representative, however, this does not include the right to be accompanied or represented by a solicitor or other legally qualified representative.

The Headteacher should interview any relevant pupils / witnesses. The Headteacher should advise the parents of those pupils to be interviewed, in writing, at least the previous school day to give their parents the opportunity to attend. Written records should be kept of all meetings, telephone conversations etc by the Headteacher.

Whilst the investigation itself is confidential, the information collected will not be. Undertakings of confidentiality should not be given to either a person making a complaint or to those interviewed. Evidence compiled in the investigation may be made available to the parties in any subsequent hearing and those giving evidence in the investigation should be so informed.

The complainant should receive a written response, including a full explanation of the decision and a reasons for it, within 15 school days of having submitted the complaint. Any actions should be written down and approved by all parties. The complainant should be advised of the next stage of the complaints procedure in case she or he is not satisfied with the response at Stage 1. The complainant ***must*** submit the complaint to Stage 2, in writing, within 5 school days of receipt of the decision from Stage 1.

In the case of a complaint about a member of staff the Headteacher should make the member of the staff aware, in writing, of any subsequent action he/she intends to take.

If action is to be taken under Disciplinary or Capability Procedures, then the complainant will be advised of this decision and advised of their right of appeal.

The Chair of Governors should be informed of the complaint and the action taken/to be taken, but ***care should be taken not to discuss the matter in detail*** to avoid prejudicing the position of Chair in any possible subsequent referral to the Governing Body.

ii) Formal Complaint to the Chair of Governors (in relation to complaints concerning the Headteacher and/or a governor)

An oral or written acknowledgement should be provided within 5 school days of receiving the formal complaint. A target date for response should be given, usually within 15 school days. If this is not possible, an explanation should be given, with a revised target date. A copy of the complaints procedure should be supplied.

The Chair of Governors should provide the complainant with the opportunity to meet to discuss the complaint further. It is reasonable to allow a friend or advocate to accompany the complainant to the meeting if the complainant wishes. All parties have the right to be accompanied at each stage of the procedure by either a friend or his/her trade union representative, however, this does not include the right to be accompanied or represented by a solicitor or other legally qualified representative.

The Chair of Governors should interview any relevant pupils/witnesses. The Chair of Governors should advise the parents of those pupils to be interviewed, in writing at least the previous school day to give their parents the opportunity to attend. Written records should be kept of all meetings, telephone conversations etc by the Chair of Governors.

Whilst the investigation itself is confidential, the information collected will not be. Undertakings of confidentiality should not be given to either a person making a

complaint or those interviewed. Evidence compiled in the investigation may be made available to the parties in any subsequent hearing and those giving evidence in the investigation should be so informed.

The complainant should receive a written response, including a full explanation of the decision and the reasons for it, within 15 school days of having submitted the complaint. Any action plans should be written down and approved by all parties. The complainant should be advised of the next stage of the complaints procedure in case she or he is not satisfied with the response at Stage 1. The complainant must submit the complaint to Stage 2, in writing, within 5 school days of receipt of the decision from Stage 1.

In the case of a complaint about the Headteacher, the Chair of Governors should make the headteacher aware, in writing, of any subsequent action he / she intends to take. If action is to be taken under Disciplinary or Capability procedures, then the complainant will be advised of this decision and advised of their right of appeal.

(c) Stage 2 - Formal Complaint to the Board of Governors

Complaints only rarely reach this level, but governing bodies should be prepared to deal with them when necessary.

Parents inevitably see many complaints as being "against" particular member of staff and their actions. All complaints that reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure. Governors may therefore wish to consider 'whether there are systems or procedures in place at school that may require attention.

A School Complaints Committee consisting of at least three members of the Governing Body should be convened. Schools may wish to seek advice at this stage from any relevant authority. eg the LEA, Board of Education (C of E) or Diocesan Schools' Commission (RC).

It is important that the School Complaints Committee should not only be independent, but be seen to be so. The Full Governing Body should not consider individual complaints in case the investigation leads to a disciplinary hearing that would need to be heard by a separate group, which might make them unable to give fair and unbiased consideration to the issue.

A School Complaints Committee meeting should be arranged, with enough notice given (usually at least 5 school days) so that everyone, including the complainant and their representative, can attend. At this meeting the issues around the complaint can be discussed, with everyone involved invited to put their case. A written response to the complainant should be made within 15 school days of the more formal complaint.

(d) Stage 3 - Appeal to the Secretary of State for Education and Skills / Ombudsman.

If the complainant is still not happy by this stage, an appeal can be made to the Secretary of State for Education and Skills or to the Local Authority Ombudsman on the following grounds:

- The Governing Body or LEA is acting or proposing to act unreasonably.
- The governing Body or the LEA has failed to discharge its duties under the 1996 Education Act.

Deliberately Repetitious or Vexatious Complaints

The Headteacher or Chair of Governors may, at any stage of the complaints procedure, review a complaint and give a decision, without a formal investigation, where it is considered to be deliberately repetitious or vexatious.

Record of complaints

A record of complaints should be maintained in a school complaint register and should be made available for inspection by the LEA and Ofsted. Such a register may include:

The name and address of the complainant;

A brief description of the complaint;

The time taken to resolve the matter;

How complaints were dealt with.

Improvement made as a result of complaints received

Number of complaints received year by year

APPENDIX 1

STAGE TWO COMPLAINT

A MODEL PROCEDURE FOR REVIEW BY THE GOVERNING BODY

If a complainant makes a written request for the complaint to proceed to stage 2, the procedures outlined below should be followed:

1. Written acknowledgement of receipt of the request should be made, usually within 5 school days. The acknowledgement should inform the complainant that the complaint is to be heard by a minimum of at least three members of the school's Governing Body within 15 school days of receiving the complaint. The letter should also explain that the complainant has the right to submit any further documents relevant to the complaint. These must be received no later than 5 full school days before the meeting to allow the documents to be sent to the members.

2. The Chair (or their representative) of the Governing Body should

convene a School Complaints Committee elected from members of the Governing Body. It may be necessary for the Governing Body to appoint reserves to this Committee to ensure that at least three governors are available to carry out their task within the set time.

3. The School Complaints Committee members must be governors who have had no prior involvement with the complaint. Ofsted the School Complaints Committee will be chaired by the Chair of the Governing Body but this is not essential. It is not appropriate for the Headteacher to have a place on the School Complaints committee. Governors will want to bear in mind the advantages of having a Parent Governor on the Committee. Governors will also want to be sensitive to issues of race, gender and religious affiliation.

4. The Chair/Vice-Chair will ensure that the School Complaints Committee will hear the complaint within 15 school days of the request to move to stage 2. All relevant correspondence regarding the complaint should be given to each School Complaints Committee member as soon as the composition of the School Complaints Committee is confirmed.

5. The Chair /Vice-Chair will write and inform the complainant, Headteacher (or Chair of Governing Body as appropriate) any relevant witnesses and members of the Committee of the date, time and place of meeting. This should be done at least 5 working days in advance. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend, as well as if appropriate an interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the School Complaints Committee prior to the meeting, in accordance with 1 above.

6. The Chair / Vice Chair of The Governing Body should invite the Headteacher (or Chair of the Governing Body as appropriate) to attend the School Complaints Committee meeting and prepare a written report for the School Complaints Committee which addresses the complaint. The member of staff directly involved in matters raised by the complainant should be invited to respond in writing or in person to the complaint. Any relevant documents including the Headteachers' (or Chair of Governing Body as appropriate) report should be received by all concerned - including the complainant - at least 5 working days prior to the meeting.

7. The Headteacher and any member of staff complained of, shall have the right to attend the meeting. It is the responsibility of the Chair of the School Complaints Committee to ensure that the meeting is properly minuted.

8. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.

9. The School Complaints Committee should remember that many parents are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the School Complaints Committee. It is therefore recommended that the Chair of the School Complaints Committee ensures that the proceedings are as informal as possible.

10. If either party seeks to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

11. The meeting should allow for:

(a) The complainant to explain their complaint; and the Headteacher (or Chair of Governing Body as appropriate) to explain the school's response; The member of staff complained about can explain their response;

(b) The Headteacher (or Chair of Governing Body as appropriate) to question the complainant about the complaint and the complainant to question the Headteacher (or Chair of Governing Body as appropriate) and/or other members of staff about the school's response;

(c) Committee members to have an opportunity to question both the complainant and the Headteacher (or Chair of Governing Body as appropriate);

(d) Any party to have the right to call witnesses (subject to the approval of the Chair) and the other party and the School Complaints Committee to have the right to question all the witnesses;

(e) Final statements will be presented by both the complainant and the Headteacher.

12. The Chair of the School Complaints Committee will explain to the complainant and the Headteacher that the Committee will now consider its decision, and a written decision will be sent to both parties within 15 school days. The complainant, Headteacher, (or Chair of Governing Body as appropriate) other members of staff and witnesses will then leave.

13. The School Complaints Committee will then consider the complaint and all the evidence presented and:

(a) Reach a unanimous, or at least a majority, decision on the complaint

(b) Decide upon the appropriate action to be taken to resolve the complaint

(c) Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again.

14. A written statement outlining the decision of the School Complaints Committee must be sent to the complainant and Headteacher (and member of staff involved) (or Chair of Governing Body as appropriate) The letter to the

complainant should explain whether a further appeal can be made, and if so, to whom.

15. The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separately from any staff or pupil's personal records.

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APPENDIX 2

HOW THE SCHOOL COMPLAINTS PROCESS WORKS

INFORMAL		Tell the Class Teacher, Assistant Head or Headteacher of your school (or Chair of Governors if the complaint is about the Headteacher.)
	→	Complaint dealt with to your satisfaction
		It is expected that most complaints will be dealt with at this stage
If complaint is not dealt with to your satisfaction		
↓		
FORMAL		Write to the Headteacher (or Chair of Governors if the complaint concerns the Headteacher.)
STAGE 1	→	Headteacher acknowledges your complaint (or Chair of Governors if the complaint concerns the Headteacher.) You will be informed of the outcome within 15 school days of receipt of your written complaint
If you are not happy with this response, you can ask the Headteacher to refer the matter to the School Complaints Committee		
↓		
FORMAL STAGE 2	→	The school will acknowledge your request within 5 school days. You will be informed of the meeting within 15 school days of receipt of the request. You will be informed of the outcome within 15 school days of the meeting
↓		
If you are not happy with this response, you can refer the matter to the Secretary of State or Ombudsman		
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FORMAL STAGE 3		The Secretary of State or Ombudsman will reply to you.

APPENDIX 3

COMPLAINTS PROCEDURE NOTES FOR PARENTS

1. Parent/School Partnership

Governors and School staff aim to work in partnership with parents and maintain open and positive relationships. From time to time a parent or member of the public may express concern or make a complaint about some aspects of the conduct/operation of a school, the conduct of a Headteacher or a member of staff in a school. Most of these concerns will be dealt with informally but Governors have a procedure to ensure that any concern or complaint you may have is properly investigated and, wherever possible, resolved.

2. What is a complaint?

A complaint will be investigated if it is an expression of dissatisfaction about:

- The conduct/operation of a school
- The conduct, actions or lack of action by a member of staff
- An unacceptable delay in dealing with a matter
- The unreasonable treatment of a pupil or other person

3. Which matters are not covered by this Complaints Procedure?

Whilst all complaints should be addressed to the Headteacher or, where appropriate, the Chair of Governors, some complaints have to be handled differently because of legal requirements. These include:

- Complaints about the provision of National Curriculum, sex education or Collective Worship in an individual school
- Appeals against school admissions and pupil exclusion
- The statementing process for special educational needs
- Complaints relating to the abuse of children, criminal or financial matters

If you are unsure which procedure you should use, please contact the Headteacher.

4. How do I make a complaint?

A concern or complaint should be made in person, by telephone or in writing. If the complaint is about a member of staff it should be referred to the Headteacher. Should the complaint be about the Headteacher or a Governor, it should be referred to the Chair of Governors of the school. A complaint made to a Governor or LEA Officer will be referred to the Headteacher 'or Chair of Governors, as appropriate, for investigation. If you have a complaint regarding a contractor employee (e.g Cleaner) or an LEA employee, then you should contact the

Council. Anonymous complaints cannot be dealt with.

5. How are complaints investigated?

The aim of the Complaints Procedure is to resolve the matter as speedily as possible. First the Headteacher, or member of staff will try to establish the facts and respond to your complaint on an informal basis. Most matters can usually be dealt with in this way. If this does not resolve the matter to your satisfaction, there is a formal stage. You will be asked to put your complaint in writing and a further investigation will be undertaken by the Headteacher. In the case of a complaint about the Headteacher, or a Governor, the matter will be dealt with by the Chair of Governors.

6. What if I am still not satisfied?

You can ask for your case to be referred to the School Complaints Committee. You will have the opportunity to attend and put your case to the Committee and you will be informed of their decision.

7. In Summary

If you have a complaint to make, or if you wish to discuss any concern about your child's education, you are asked to follow this procedure:

- If possible, phone the school first and make an appointment to see the [class teacher, Head of Year or Headteacher}. Usually such appointments can be made on the same day.
- If possible, when making an appointment, provide a brief outline of the nature of your enquiry, this will allow the person contacted to make a preliminary investigation, prior to your appointment. At this stage, it may be able to resolve your issue during the telephone conversation.
- Throughout your appointment, the person contacted will listen to your comments carefully. He/she may give you the results of his/her preliminary investigations.
- Matters may well be resolved at this meeting, or a second meeting may be made, to allow for further investigation.
- If after discussion, you are still dissatisfied, you may make a formal complaint to the Headteacher or Chair of the Governing Body.
- If you are still dissatisfied, the School Complaints Committee of the School Governors will then hear your complaint.
- Should you be dissatisfied by any decision made by the Complaints Committee, you may take your complaint to the Secretary of State or Ombudsman.

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