



# **COMPLAINTS POLICY**

**May 2021**

**Review Date: May 2023**

## **ST. JOSEPH'S CATHOLIC PRIMARY SCHOOL**

### **COMPLAINTS POLICY and PROCEDURE**

This policy and procedure will be carried out with due regard to our School Vision and Mission Statement:

**Together we love- Together we hope- Together we learn**

**St Joseph's Catholic Primary School is an inclusive, vibrant, Catholic community where we encourage everyone to share a love of learning and the love of Christ.**

**Together, we hope to inspire each other to be the best we can and to embrace our future with confidence.**

#### **Aims**

This policy is intended to be all embracing and provide guidance as to the most appropriate course of action to a complainant. Any complaints will need to be addressed direct with the school.

The procedure below fulfils the requirements of The Education Act 2002 (Section 29) for "all governing bodies to have a procedure to deal with complaints relating to aspects of the school, and any community facilities or services that the school provides." This procedure does not apply to (and should not be used for) statutory appeals in relation to:

- admissions
- exclusions
- statutory assessments of children with special educational needs
- safeguarding matters
- whistle-blowing
- staff grievances
- staff discipline.

Please see our separate policies for procedures relating to these types of complaint.

#### **Policy**

Parents and pupils at St Joseph's are encouraged to express their views on what goes on in the school, so that staff receive an early warning of potential difficulties, and many problems can be prevented from arising.

It is our policy to deal with your complaint within the time scales set out and with diligence, following the procedure.

All Complaints will be considered. Support will also be offered for a person complained against and all complaints will be treated as confidential.

If the outcome of a complaint is upheld then there will be some form of redress.

The majority of complaints can often be resolved informally and we encourage all complainants to follow the procedure. It is important for staff to record details of any complaint, but we want complainants to feel able to raise concerns without any formality, either in person, in writing or by telephone.

A formal complaint by a registered pupil will be addressed by teaching staff. Pupils will have the right of appeal to the Headteacher.

### **Procedure**

We ask all complainants to follow the steps listed. There is a flow chart provided (Annex A).

#### **Stage 1: First Contact**

Informal resolution

- Complainants are given the opportunity to discuss their concern with the appropriate member of staff.
- The nature of the concern is clarified, together with the outcome the complainant is looking for.
- The staff member dealing with the concern makes sure the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way to make things clearer.
- Where no satisfactory solution has been found within 10 days, complainants are asked if they wish their concern to be considered further. If so, they are given clear information, both verbally and in writing, about how to proceed towards Stage 2.

#### **Stage 2: Referral to the Headteacher**

If the issue cannot be resolved informally at Stage 1, the complainant must put the complaint in writing to the Headteacher.

- The Headteacher (or designate) will provide an opportunity for the complainant to meet to supplement any information previously provided.
- If necessary, the Headteacher (or designate) will interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also be interviewed, with parents/guardians present.

- A decision letter will normally be sent within 10 school days of the receipt of the complaint under Stage 2.
- Where it is not possible to issue a decision letter within the above time limit, the Headteacher will inform the complainant (within 10 school days) of the date by which a decision letter will be issued.
- The decision letter will state the right of the Complainant to progress the complaint to Stage 3. The complainant is advised that if s/he wishes to take the complaint further, then they should notify, in writing, the Headteacher within 10 school days of the date of the decision letter.
- A Formal Complaint Form is attached at Annex B.
- If the matter is serious or urgent, the Headteacher may undertake a formal investigation or immediately refer the matter to the Chair of the Governing Body (Stage 3).

### **Stage 3: Review by the Governing Body**

This review will be independent and impartial.

- Appendix C should be filled in by the complainant and sent to the Chair of Governors directly
- Within 5 school days of receipt of a complaint under Stage 3, the Headteacher will send to the Chair of the Governing Body a completed statement together with the complainant's notification letter.
- The Chair of the Governing Body will write to the complainant acknowledging receipt of the complaint. The acknowledgement will state that the complaint will be considered by a Panel of 3 members within 10 school days of receiving notification of the complaint under Stage 3.
- The Panel does not have to comprise solely of governors of the school.
- Membership of the Panel will reflect the following:
  - A majority of the members of the Panel must be governors.
  - The Headteacher must not be a member of the Panel.
- The Panel will convene within 10 school days to consider what action should be taken in response to the complaint. The Panel may wish to seek the views of the LA or the Diocese.
- At their meeting the Panel will consider the evidence submitted. The Panel will establish and record:
  - The facts

- The decision (including whether the decision was reached unanimously or by way of a majority vote)
  - The reasons for reaching the decision
  - Any recommendations arising e.g. changes to school procedures
- The Chair of the Governing Body will inform the complainant of the outcome within 5 school days following the date of the Panel meeting.
  - The Panel may consider that an oral hearing of parties to the complaint is the most appropriate way to address the matter. In such cases, the following requirements must be met:
    - The Chair of the Panel will ensure that the complainant, Headteacher, any relevant witnesses and other members of the committee have at least 5 school days notice of the date, time and place of the oral hearing.
    - Documents should be submitted in time for all parties to the oral hearing to have properly considered them (ideally 5 working days in advance of the meeting), otherwise proceedings should be adjourned.
    - The involvement of witnesses and staff is subject to the discretion of the Chair of the Panel.
    - Many complainants will be unfamiliar with the process involved and may feel overwhelmed. Therefore, the Chair of the Panel will ensure that proceedings are as straightforward and clear as possible.
  - The procedure below will be followed at an oral hearing:
    - All parties are introduced
    - The nature of the complaint is confirmed by the Chair of the Panel
    - The complainant states their case and calls relevant witnesses
    - The Headteacher (or investigating governor) explains the school's response following completion of Stages 1 - 2 and relevant witnesses called
    - The complainant is given the opportunity to question the Headteacher (and witnesses)
    - Panel members are given the opportunity to question the Headteacher (or investigating governor) (and witnesses)

- The Headteacher (or investigating governor) is given the opportunity to question the complainant (and witnesses)
- Panel members are given the opportunity to question the complainant (and witnesses)
- Summing up given by Headteacher (or investigating governor)
- Summing up given by complainant
- Parties asked if they consider that they have had a fair hearing
- Parties advised that a decision will be communicated to them in writing within 3 weeks of the date of the hearing
- The complainant, Headteacher and any witnesses to leave.
- The Panel then considers the evidence submitted and the statements made. The Panel will establish and record:
  - The facts
  - The decision (including whether the decision was reached unanimously or by way of a majority vote)
  - The reasons for reaching the decision
  - Any recommendations arising e.g. changes to school procedures.
- It is the responsibility of the Chair of the Panel to ensure that all Panel meetings, any oral hearings and the arising decisions are minuted.
- A decision letter, together with a copy of the minutes is forwarded to the parties to the hearing by the Chair of Governors.

#### **Stage 4: Subsequent Reviews**

##### **The Secretary of State**

If you are unsatisfied with the outcome of the school's complaints procedure, you can refer your complaint to the School Complaints Unit (SCU), which investigates complaints on behalf of the Secretary of State. The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

### **Persistent Complaints**

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed. If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- the school has taken every reasonable step to address the complainant's needs, and
- the complainant has been given a clear statement of the school's position and their options (if any), and
- the complainant is contacting the school repeatedly but making substantially the same points each time.

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- we have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- the individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- the individual makes insulting personal comments about, or threats towards, school staff.

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint. Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably. In the instance of unreasonable complainants St Josephs Catholic Primary School will follow the Best Practice Advice for School Complaints 2016 (DfE)

.....

**Approved by Governing Body**

**Date: May 2021**

**Review Date: May 2023**

Annex A on following page

DRAFT

# ANNEX A

## Complaints Procedure Flowchart

