

# **Holy Cross Catholic Primary School**

## **Complaints Policy and Procedures**



**Approved by Governors September 2020**

## Procedure on the Handling of Concerns and Complaints

This policy applies to all concerns and complaints other than:

- **Safeguarding:** covered through the safeguarding policy.
- **Exclusions:** dealt with thorough the exclusion policies and appeals procedures
- **S.E.N.D:** any concerns should be raised with the L.A. S.E.N.D. Team
- **Allegations of abuse:** allegations of abuse or inappropriate conduct by a member of staff must be reported to the Head of the school immediately. Allegations of abuse against the head school must be reported to the Chair of Governors.
- **Staff grievances & disciplinary issues:** these matters will be dealt with through the internal grievance and disciplinary policies of the school.
- **Whistleblowing:** the school has a specific whistleblowing policy & procedures.
- **Complaints re external providers:** providers should have their own procedures to deal with complaints and should be contacted directly

This policy complies with Section 29 of the Education Act 2002

### Timescales

We aim to resolve any complaints in a timely manner. Timescales are indicated in relevant sections of this policy.

### Scope of the Procedure

Complainants may be anyone with an interest in the work of the school. It is expected that it will be mainly parents or guardians who will make use of the procedures outlined in this policy, but please note the same procedures will be used for complaints from people who are not parents of the school

### Policy Aim

The aim of this policy is to ensure that a concern or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, and it is fair to those concerned and helps promote parents' and pupils' confidence in the school's ability to respond fairly and promptly when an issue arises. We will try to resolve every concern or complaint in a positive way ensuring transparency at every stage.

Holy Cross Catholic Primary School expects that most concerns can be resolved informally but guarantees to treat seriously and confidentially all concerns whether raised informally or formally.

### Policy Statement

We need to know as soon as possible if there is any cause for dissatisfaction. We recognise that a difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which could be damaging to relationships. We intend that parents and pupils should never feel or be made to feel that a complaint will be taken amiss or will adversely affect a pupil or his/her opportunities. The policy does, however, distinguish between a concern or difficulty which can be resolved informally and a formal complaint which will require further investigation.

## **Stage 1 - Informal Concerns**

Most concerns & complaints, where a complainant seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Parents/carers should raise the concern initially with the person involved. An unresolved informal concern should be moved to a Stage 2 formal complaint

In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

## **Stage 2 - Formal Complaints**

### **Notification**

An unresolved concern under Stage 1, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the school's policies, procedures, management or administration should be set out in writing with full details on the form provided (appendix 1) and sent with all relevant documents and full contact details for the attention of the Headteacher, Chair of Governors, or other responsible person as indicated below:

Member of staff: Headteacher

Headteacher: Chair of Governors

Governor: Chair of Governors

Chair of Governors: Vice Chair of Governors

Should a formal written complaint be received by another member of staff, this should be immediately passed to the headteacher.

### **Acknowledgement**

The complaint will be acknowledged in writing normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

### **Investigation and resolution**

An investigating officer will be appointed. This could be the Headteacher, Chair of Governors or may be delegated to a senior member of staff as appropriate. The 'investigating officer' may request additional information from the complainant and will fully investigate the issue. In all cases the investigating officer will meet or speak with the parent/carer to discuss the matter.

### **Outcome**

The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 15 working days from the receipt of the complaint. Please note that any complaint received during a school holiday or within 15 working days of the end of term or half term may take longer to resolve.

### **Record of complaints**

Written records will be kept of any meetings and interviews held in relation to the complaint.

## **Stage 3 – Complaint Heard by the Governors’ Complaints Committee (GCC)**

### **Request**

If the complaint still remains unresolved after the stage 2 formal investigation, then a request for a complaint to be heard by the GCC should be made in writing by the complainant within 10 working days of the date of the decision made at Stage 2. This request should be made to the Clerk to the Governing Body (by letter or e-mail) including a copy of the original written complaint and also indicating which matters remain unresolved. No new issues or complaints may be included.

### **Acknowledgement**

Where a request is received, the Clerk to the Governing Body will act as Clerk to the GCC. The Clerk will acknowledge, in writing, receipt of the request and inform the complainant of the steps involved in the process. The Clerk will be the contact point for the complainant.

### **Committee Hearing**

The Clerk will aim to convene the GCC hearing as soon as possible and inform the complainant, normally no later than 20 working days after receipt of the Stage 3 request.

### **Committee Membership**

The committee will consist of two Governors on the Governing Body who have not previously been involved in the complaint and one person independent of the management and running of the school. The Chair of the GCC will be agreed prior to the meeting after discussion with the Clerk to Governors.

### **The Remit of the GCC**

The Committee can:

- 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.

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. The Chair of the Committee will ensure that the proceedings are as informal as possible. The order of the complaints meeting is outlined in appendix 1.

### **Attendance**

The following are entitled to attend the hearing, submit written evidence and address the GCC:

- the parent/carer and one representative,
- the person complained against and one representative,
- any other person who the Complaints Committee considers to have a reasonable and just interest in the appeal and whose contribution would assist the Committee in their decision making.

### **Evidence**

All parties will be given the opportunity to submit written evidence to the Panel in support of their position including;

- documents
- chronology and key dates
- written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Clerk no later than 5 working days in advance of the Committee Hearing. The Clerk will distribute the evidence to all parties no later than 3 working days in advance of the hearing.

## **Roles and Responsibilities**

### **The Role of the Clerk**

The Clerk is the contact point for the complainant and required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible,
- collate any written material and send it to the parties in advance of the hearing,
- meet and welcome the parties as they arrive at the hearing,
- record the proceedings,
- notify all parties of the panel's decisions.

### **The Role of the Chair of the GCC**

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

- the remit of the committee 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 or 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 committee is open minded and acting independently,
- no member of the committee 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.

## **Decision**

The committee will reach a decision, and make any recommendations within 10 working days of the hearing. The decision reached is final but if the complainant is not satisfied regarding the handling of their complaint they can appeal to the Secretary of State for Education at the D.F.E.S.

## **Notification of the Panel's Decision**

The GCC's findings will be sent, in writing, to the Clerk, to the parents/carers, the Headteacher and, where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the GCC including the above details re appealing to the D.F.E.S.

## **Record Keeping**

The school will keep a record (minutes of meetings, correspondence, written evidence) of all complaints, appeals, decisions and recommendations of the GCC.

## **Unreasonable Complainants**

Holy Cross Catholic Primary School is committed to dealing with all complaints fairly and impartially. We will not normally limit the contact complainants have with the school but we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of their complaint,
- refuses to co-operate with the complaints investigation while still wishing their complaint to be resolved.
- refuses to accept that certain issues are not within the scope of the complaints procedure,
- insists on the complaint being dealt with in ways which are incompatible with the published policy,
- introduces trivial or irrelevant information, raises large numbers of detailed but unimportant questions and expects these to be taken into account often immediately or to their own timescales,
- makes unjustified complaints about staff trying to deal with the issues and seeks to have them replaced,
- changes the basis of the complaint as the investigation proceeds,
- repeatedly makes the same complaint,(despite previous investigations concluding the complaint is groundless),
- refuses to accept the findings of the investigation where the School's complaint procedure has been fully and properly implemented (including referral to the Department for Education)
- seeks an unrealistic outcome
- makes excessive demands on school's time by frequent, lengthy, complicated and stressful contact with staff in person, in writing, by e mail or by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so: (face to face, by telephone, in writing, or electronically)

- maliciously,
- aggressively,
- using threats intimidation or violence,
- using abusive, offensive or discriminatory language,
- knowing it to be false,
- using falsified information,
- publishing information in a variety of media.

Whenever possible the Headteacher, or Chair of Governors will discuss any concerns with the complainant informally before applying an unreasonable marking.

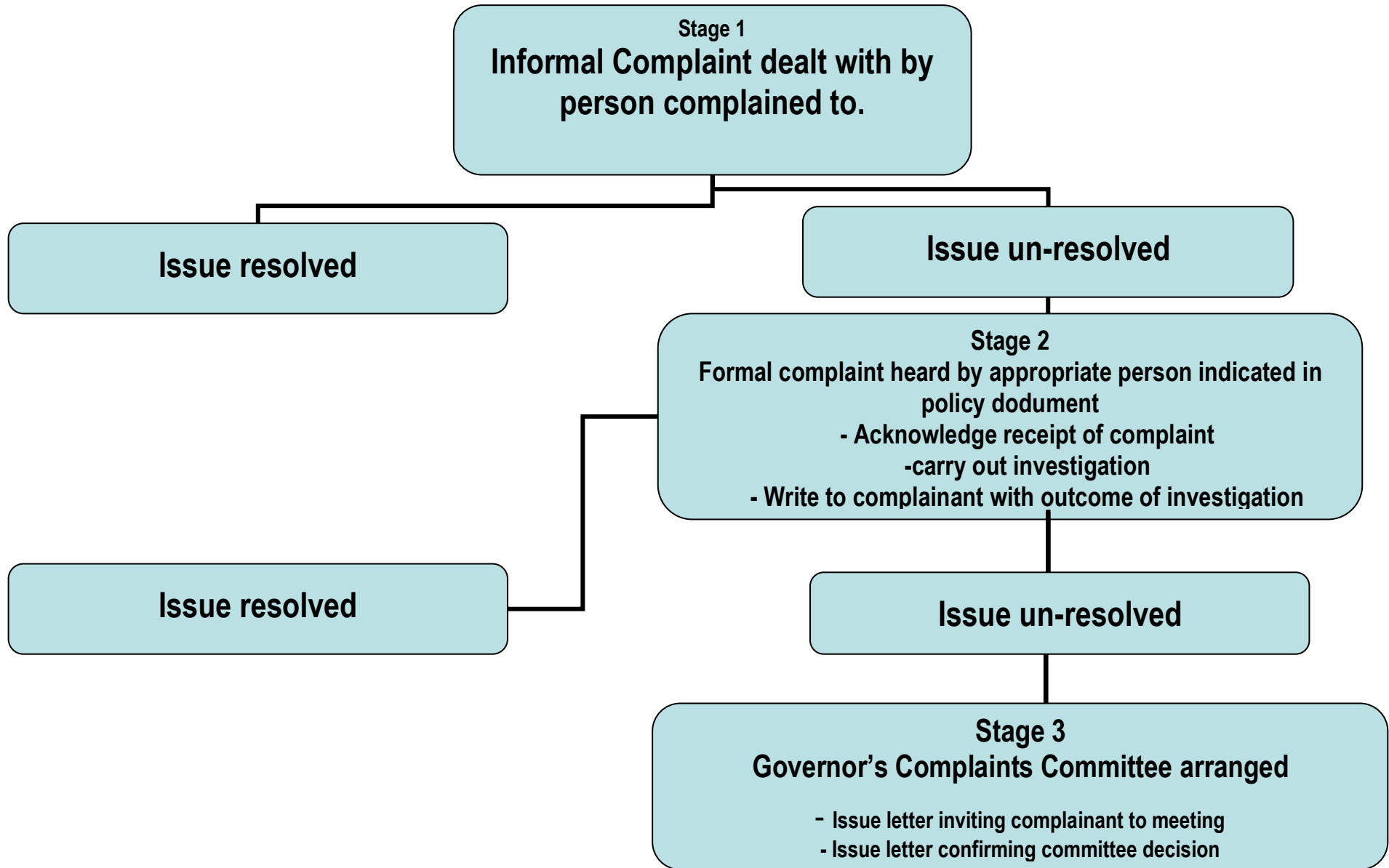
If the behaviour continues a letter will be sent to the complainant explaining that their behaviour is unreasonable and that the complaint will not be taken any further. For complainants who excessively contact the school causing a significant level of disruption we may specify methods of communication and limit the number of contacts.

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 involved.

## **APPENDIX 1 – Order of GCC Hearing**

1. The Chair welcomes the complainant and his/her representative and introduces the committee including the role of the clerk and procedure for taking minutes.
2. The Chair explains the purpose of the meeting, the procedure and asks for confirmation that all written evidence has been made to all parties.
3. The complainant is invited to explain the complaint calling in witnesses if appropriate.
4. Members of the committee are invited to ask questions of the complainant and any witnesses.
5. The complainant and companion leave the meeting.
6. The Chair welcomes the person complained against and his/her representative. The Chair explains the purpose of the meeting, the procedure and asks for confirmation that all written evidence has been made to all parties.
7. A response to the complaint is given including a description of the action taken to address the complaint at Stages 1 & 2 of the procedure and calling witnesses if appropriate.
8. Members of the committee are invited to ask questions
9. The person complained about and representative then leave the meeting.
10. The complainant together with his/her representative are invited back to make a final statement and informed that the decision of the committee will be communicated in writing of within 10 working days.
11. The person complained about and representative are invited back into the room to make a final statement and informed that the decision of the committee will be communicated in writing within 10 working days.
12. The committee will consider the information that has been presented and must reach a majority decision. The committee will also decide what action if any to take to resolve the complaint and if appropriate recommend to the Headteacher any changes to ensure similar complaints are not made in future. The clerk will be asked to leave and the deliberations will not be recorded.
13. The Chair of the will liaise with the Clerk to confirm all outcomes in writing to both parties in accordance with sections 18 & 19 of the complaints procedure

**APPENDIX 2 - Summary of Dealing with Complaints**





**APPENDIX 3**

<p><b>HOLY CROSS CATHOLIC PRIMARY SCHOOL- COMPLAINT FORM</b></p>
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Please complete and return to the Clerk to the Governors of the school who will acknowledge receipt and explain the complaints process.

Your Name: \_\_\_\_\_

Pupil's Name: \_\_\_\_\_

Class -----

Your relationship to the pupil (if relevant): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone number (day): \_\_\_\_\_

Telephone number (evening): \_\_\_\_\_

Please give brief details of your complaint: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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What actions do you feel might resolve the problem at this stage?

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Are you attaching any paperwork? If so, please give details

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Signature: \_\_\_\_\_ (Complainant)

Date: \_\_\_\_\_