

# Ss Peter and Paul RC Primary School

## Complaints Policy



We would like everyone involved in the life of our school to explore and promote God's values so that everything that happens in our school demonstrates God's love for everyone.

Together with the Spirit we will create an oasis where every child matters.

## Overview

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school in England shall –
  - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
  - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local authority and is not a special school;

Ss Peter and Paul RC Primary School Complaints Policy has been created to deal with any general concerns against a member of staff or the school as a whole, relating to aspects of the school or the provision of facilities or services and sets-out the formal procedures should the concern not be resolved informally. The policy is not intended to cover complaints regarding those aspects of school life for which there are specific statutory requirements such as:

- Delivery of the National Curriculum and the provision of collective worship and religious education
- Local Authority decision on special needs assessments
- School Admissions and exclusions
- Allegations of child abuse, financial improprieties or other criminal activities
- Complaints about general matters of policy such as the overall resourcing of a school
- Teacher performance

## **Introduction**

Ss Peter and Paul RC Primary School prides itself on the quality of teaching provided for its pupils. However, if parents have concerns, they can expect any issues to be treated seriously by the school. A complaint can be brought by a parent of a registered child at the school or any person who has been provided with a service/facility at the school. This person is referred to as the complainant.

- Schools may have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. At Ss Peter and Paul RC Primary School, the class teacher will be the first point of contact.
- A concern becomes a complaint only when the complainant asserts the school has acted wrongly in some significant decision, action or failure to take action.
- Even when a complaint has been made it can be resolved or withdrawn at any stage.

## **Aims**

This policy aims to reassure complainants that any complaints raised will be dealt with in a fair, open and responsive way with the aim of achieving a speedy and satisfactory resolution. The school recognises a willingness to listen to questions and criticisms and to respond positively and in a way in which improvements can be made to school practices.

In line with the Education Act 2002, Ss Peter and Paul RC Primary School will:

- Encourage the resolution of problems by informal means wherever possible.
- Allow easy access and publication of complaints procedures (see website [www.sspeterpaul.co.uk](http://www.sspeterpaul.co.uk))
- Be impartial
- Ensure the procedure is simple to understand and use
- Be non-adversarial
- Allow swift handling with established time-limits for action and keeping people informed of any progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality.
- Address all the points at issue and provide an effective response and appropriate redress where necessary.
- Provide information to the school's senior management team so that services can be improved.

## **Monitoring and recording complaints**

At all stages of the complaints procedure the following information should be recorded:

- Name of the complainant.
- Date and time at which complaint was made.
- Details of the nature of the complaint.
- Desired outcome of the complainant.

- How the complaint is being investigated (including written records of any interviews held).
- Results and conclusions of investigations.
- Any action taken.
- The complainant's response.
- Record of any subsequent action if required.

### **Special Circumstances**

- If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect, it may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives.
- If a social services authority decides to investigate a situation, this may postpone or supersede investigation by the Headteacher or Governing Body.
- Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child.

### **Anonymous Complaints (Please see also Vexatious complaints)**

The Governing Body will not consider anonymous complaints. Any anonymous complaints will be retained and the number reported to Governors to enable Governors to monitor any patterns of complaints.

### **Time Limits & cut-off points**

Complaints need to be considered and resolved, as quickly, and efficiently as possible. Parents should therefore make a complaint as soon as possible after an incident and should not leave reporting an incident or making a complaint longer than one week after the incident. Exceptions will be considered where it can be proven that there were good reasons why a complaint was not made earlier (e.g. further information was being gathered before making the complaint or full implications of an incident were not known until a later date).

### **Monitoring of policy**

The policy will review the policy on a three year cycle (or updated sooner if required) and monitor the number of complaints received, how these were addressed and any action taken.

## **Annex A – Complaints procedure**

### **The stages of the complaint**

#### **Stage 1 (informal): Raising your concern with a staff member**

- The school recognises that a vast majority of complaints and concerns can be resolved informally. It is expected that in most cases a class teacher or member of staff concerned will be able to resolve your concerns without the need to go any further and it is in everyone's interest that complaints are resolved at the earliest possible stage
- The complainant must feel able to raise concerns and complaints with members of staff, either in person, by telephone or in writing. A preliminary discussion may be undertaken to help clarify if he or she is making a complaint or expressing an opinion. The discussion is to:
  - establish what has happened so far and who has been involved
  - clarify what remains unresolved
  - establish what the complainant feels would put things right
  - determine whether they wish to take it further.
- The complainant should be able to bring a friend to any discussion.
- The member of staff dealing with the concern should make sure that they conduct any interviews or meetings at a convenient time and in a positive atmosphere. Interviews and meetings should be conducted with an open mind and the staff member should be prepared to persist in the questioning and keep notes of the meeting/interview or arrange for an independent not taker to record minutes of the meeting
- The member of staff dealing with the concern should make sure that any misunderstandings that may have occurred are clarified and that the complainant is clear what action (if any) or monitoring of the situation has been identified and agreed.
- The process should be completed speedily and concluded in writing with appropriate detail.
- Where no satisfactory solution has been found, the complainant should be informed that he or she will need to consider whether to make a formal complaint in writing to the Headteacher.
- To assist in this process a complaint form is provided. (See Annex C)

Please note that the staff member will require time in order to investigate the matter further themselves and an unreasonable refusal to allow your concern or complaint to be addressed informally may result in the school being unwilling to take the issue any further.

The complaints co-ordinator i.e. the Headteacher should be informed of any outcome.

If, having raised your concern with the class teacher or member of staff concerned you are still dissatisfied or, the class teacher or member of staff concerned is the subject of your complaint, then you should move on to the next level of the procedure, Stage 2, contacting the Headteacher.

If 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 complaint outside the formal procedure or be involved at the early stages, in case they are needed to sit on a panel at a later stage of the procedure.

Where the complaint concerns the Headteacher, the complaint should be referred to the Chair of Governors.

## **Stage 2 (formal): complaint heard by Headteacher**

At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint.

The Headteacher may ask you to put your concerns in writing or to complete a formal complaints form – see Annex C, but will usually be able to deal with your concerns face-to-face.

The Headteacher will acknowledge receipt of complaint and will attempt to resolve your concerns using any reasonable means that are felt appropriate: this may involve meeting with you to discuss the matter further, or delegating another senior member of staff to investigate and collate the information but not the decision on the action to be taken.

The Headteacher should be allowed reasonable time to investigate the concern or complaint and gather any information that is required, this may be via discussions with all parties involved – this may involve talking to staff members, interviewing witnesses and taking statements from those involved. The Headteacher will keep reasonable written records of meetings, telephone conversation and other documentation. The Headteacher will investigate fully and communicate findings and/or resolutions to the complainant(s) verbally or in writing depending on the nature of the issue.

On this basis you should expect to receive feedback regarding the decision reached and the reasons for it and, where appropriate it should include what action the school will take/has taken to resolve the complaint.

As far as is reasonable, except in more complex cases, a written response will take place within 30 days of the initial complaint being received by the Headteacher.

If you are dissatisfied with the feedback from the Headteacher, or if the Headteacher is the subject of your concern or complaint, then you may, within 10 school days of the

Headteacher's response, put your complaint, in writing, to the Chair of Governors via the school, in a sealed envelope addressed to:

Chair of Governors

Ss Peter and Paul RC Primary School

c/o Ss Peter and Paul RC Primary School

Olive Street

South Shields

NE33 4RD

It is helpful at this point if the complainant can indicate in writing how they would like the matter to be resolved and what outcome they would like to see achieved. The Chair of Governors will seek to resolve issues informally before, if necessary, moving to Stage 3.

### **Stage 3 (formal): complaint heard by Chair of Governors and/or Complaints Committee.**

The Chair of Governors will acknowledge receipt of the complaint within 5 school days of receipt.

The Chair will investigate the complaint which may involve discussions with those involved. Once all the relevant facts have been established, the Chair will seek to resolve issues and, if deemed necessary, the Chair may refer the complaint to the Complaints Committee for the complaint to be heard further.

The Governing Body has responsibility for ensuring that any complaints formally notified to them are addressed. If you have not raised your concern or complaint with the Headteacher, the Chair may advise you to do so, but otherwise, if you have a complaint and have not already put the details in writing, the Chair will ask you to do so. There is a form (Annex C) which you may use if you wish.

The Complaints Committee is usually a designated panel of 3 governors who will be convened to hear your complaint.

The designated governors will hear your complaint on an impartial basis via a panel hearing that must be held in private, and will aim to resolve the complaint and reconcile any differences between you and the school.

The conduct and procedure of the hearing is detailed in the school's Complaints Procedure and you will be given the opportunity to have a friend or representative, and / or a translator present at the hearing if you wish.

Possible outcomes may include - The panel will:

- Dismiss the complaint in whole or in part, or
- Uphold the complaint in whole or in part, or where appropriate decide action to be taken, or

Offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better (n.b. this is not the same as an admission of negligence)
- an admission 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 policies in light of the complaint.

It is recognised, however, that you might not be satisfied with the outcome if the hearing does not find in your favour, and therefore it may only be possible for the hearing to establish the facts and make recommendations.

Following the investigation you will receive written feedback from the Chair of Governors or Clerk to the Governing Body including any decisions, recommendations and the reasons for them and, if appropriate, the next steps. This should be issued within ten working school days after the investigation has concluded.

Please note: if the outcome might lead to action under another procedure or is an internal management issue for the school and therefore the responsibility of the Headteacher, you may only be told that appropriate action will be taken.

If you are dissatisfied with the response from the Chair of Governors you should move on to step four of the formal stage, i.e. to appeal against the decision to the Governing Bodies Complaints Appeal Panel.



## **Stage 4 (formal): complaint heard by Governing Bodies Complaints Appeal Panel**

The complainant usually needs to write to the Clerk to the Governing Body giving details of the complaint and asking that it is put before the appeal panel. The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a GB complaints panel.

The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.

The panel 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.

Further information on the remit of the Complaints Appeals Panel including roles and responsibilities is available from <https://www.gov.uk/government/publications/school-complaints-procedure>

## **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 (including the reasons for the decision); this is usually within 30 days of the Appeal being received by the Appeal Panel. procedure. The letter should explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

This is the final step of the process for the school (except for carrying out agreed actions) and there is no more that the school can do – trying to raise the issue further through the school may lead to your complaint being treated as vexatious.

## **Vexatious Complaints**

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 GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

If, despite all stages of the procedure having been followed, you remain dissatisfied, you may take your complaint to the Local Authority or to the Diocesan Board who can review due process. There is no onus on them to re-open an investigation, etc. if they are satisfied that the school has dealt with the complaint appropriately.

The final stage of appeal is to the Secretary of State for Education.

Complainants should be advised to write to The School Complaints Unit (SCU) at:

Department for Education

2nd Floor, Piccadilly Gate

Manchester

M1 2WD

Further information on what will the Department for Education do is available from:

<https://www.gov.uk/government/publications/school-complaints-procedure>

## **Annex B – Summary for Dealing with Complaints**

Stage 1 – Complaint heard by staff member

- . Ensure Headteacher i.e. complaints co-ordinator informed of outcome

If not resolved, then escalate to Stage 2 – Complaint heard by **Headteacher**

- . Acknowledge receipt of complaint
- . Write to complainant with outcome of investigation
- . Ensure complaints co-ordinator informed of outcome
- . Offer escalation to Stage 3 if dissatisfied

If not resolved, then escalate to Stage 3 - Complaint heard by **Chair of Governors or Governors Complaints Committee**

- . Acknowledge receipt of complaint
- . Write to complainant with outcome of investigation
- . Ensure complaints co-ordinator informed of outcome
- . Offer escalation to Stage 4 if dissatisfied

If not resolved, then escalate to Stage 4 – **Governor’s complaints appeal panel** meeting arranged

- . Issue letter inviting complainant to meeting
- . Issue letter confirming panel decision
- . Ensure complaints co-ordinator informed of outcome
- . Advise of escalation routes to the Secretary of State for Education

## Annex C - Complaint Form

Please complete and return to Mrs Butt, Headteacher (Complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
Pupil's name (if relevant):
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Day time telephone number:</b>
<b>Please give details of your complaint.</b>
<b>What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?</b>

**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:**