

St. John of Beverley RC Primary School

Complaints Policy

Mission Statement

Everyone at St John of Beverley RC Primary School knows we are part of God's family. We share, play and learn together and try to be the best we can be.

1. Introduction.

The Head teacher, staff and governors at St John of Beverley work hard to build positive relationships with all parents and members of the school community. A Complaints Policy is integral to that relationship in as much as it allows parents an opportunity to voice serious concerns through appropriate channels and for the school to work with parents to resolve them as far as possible in a timely, systematic and fair way.

We recognise the need to be clear about the difference between a concern and a complaint. Careful consideration is given to any matters raised and every effort is made to resolve them through dialogue and mutual understanding and, in all cases, in the interests of the child.

2. Scope of this Complaint Procedure

This procedure covers all complaints with the **exceptions** listed below for which there are separate (statutory) procedures.

This policy does not cover the following issues:-

admissions to schools:

- exclusion of children/young peoples from school;
- statutory assessments of special education needs;
- school re-organisation proposals subject to statutory procedures;
- matters likely to require a Child Protection Investigation;
- whistle-blowing;
- staff grievances and disciplinary procedures;
- complaints about services provided by other providers, such as contractors and other Council service units.

Complaints that have already been investigated cannot be considered again. Legal, safeguarding or disciplinary proceedings may take precedence over complaints procedures and timescales

3. What is a complaint?

A complaint may be generally defined as *'an expression of dissatisfaction or disquiet which requires a response'*

4. Informal complaints - Complaint heard by a staff member

If a parent is concerned about anything to do with school life and the education of their child, they should in the first instance discuss the matter with the child's classroom teacher. Most matters can be dealt with informally in this way. All teachers and staff in our school work very hard to ensure that each child is happy at school and making good progress and are keen to know if there are any problems. This will enable them to take action to address issues promptly and prevent them from escalating and adversely impacting on the child's capacity to be the best they can be. Where possible the school will respect the views of the complainant who feels unable to discuss concerns or a complaint with a particular member of staff and, in such cases the matter will be referred to the head teacher. In circumstances where the complaint relates to the head teacher the complaint will be referred to the Chair of Governors.

Where a parent feels that a situation has not been resolved through contact with the classroom teacher, or their concern is of a sufficiently serious nature, they should make an appointment with

the head teacher. The head teacher takes any such complaints very seriously and will conduct a thorough investigation.

5. Formal Complaints Procedure – overview

Stage 1 – Complaint Heard by Head teacher

If the complaint cannot be resolved informally, then the Head teacher will investigate.

Stage 2 – Complaint Heard by Chair of Governors

If the complainant remains unhappy or the complaint is about the Head teacher the investigation will be undertaken by the Chair of Governors.

Stage 3 – Complaint Heard by Governing Body Review Panel

This will consist of Governors not involved in the complaints process at an earlier stage

6. How to make a Formal Complaint

A complaint can be made in person, in writing or by telephone and you will be asked to complete a complaints form (Appendix 1). Head teacher will record the date the complaint is received and will ensure that it is acknowledged in writing (letter or email) within 3 school days within receipt of the complaint.

7. Stage 1. Complaints heard by Head teacher

The following formal procedures will be invoked when attempts to resolve an issue informally are unsuccessful, and the person raising the concern wishes to take the matter further. The head teacher will have responsibility for the operation and management of the school complaints procedure. Where the complaint concerns the head teacher, or a governor, the chair of governors will carry out this role.

At each stage of the complaints procedure, the person investigating the complaint will make sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them ;
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- respect confidentiality;
- conduct any interview with an open mind ;
- keep notes of the interview.

Complaints that have already been investigated cannot be considered again. Legal, safeguarding or disciplinary proceedings may take precedence over complaints procedures and timescales. **If** there is a risk that dealing with a complaint might prejudice such proceedings the complaints procedure will be suspended. The complaint will be investigated as appropriate once other proceedings have been concluded. The complainant should be made aware of any suspension and the reasons for it.

Complaints heard by the Head teacher will be heard within 10 working days wherever possible.

8. Stage 2 – Complaints heard by the Chair of Governors.

If the Complainant is dissatisfied with the outcome of the Head teacher's investigation at and wishes to take the matter further or if the complaint is about the Head teacher, they can ask for the matter to be considered by the Chair of Governors.

The Chair of Governors will acknowledge the complaint within 3 school days. The acknowledgement will include a summary of the complaints procedure and a response date

given. This will be within 10 school days. If this date cannot be met, the Complainant will be given an update and revised response date.

The Chair of Governors will provide a formal written response to the Complainant detailing actions taken to investigate the complaint and provide a full explanation of decisions taken and the reasons for them. Where appropriate, it should include details of actions the school will take to resolve the complaint.

The Complainant will be provided with details of how to contact the Governing body if they are not satisfied with the response.

9. Stage Three - Complaint heard by the Governing Body Complaints Appeal Panel

The Complainant must write to the Chair of Governors giving details of the complaint. Complaints must have been considered at stages one and two before proceeding to panel.

The Chair of Governors will acknowledge the request in writing within 3 school days and inform the Complainant of the right to submit any further documents or information relevant to the complaint. The panel will not consider new complaints. A deadline for submission of these documents will be 5 working days before the hearing.

The school will submit the Stage 1 and 2 responses (as appropriate) together with any written response from the Head teacher as appropriate. The Head teacher may also invite members of staff directly involved in matters raised by the Complainant to respond personally or in writing.

The complaints panel will be elected from the Governing Body. The panel will comprise 3 governors who have had no previous involvement with the complaint. The complaint will not be heard by the entire governing body.

The Complaints Panel will set a timetable for the hearing and will notify the Complainant of this. The review hearing will be heard within 20 school days of receiving the request.

The aim of the panel will be to resolve the complaint and achieve reconciliation between the school and the Complainant if this is possible.

The hearing will be held in private. Any witnesses (other than the Complainant and the Head teacher) should only attend for the part of the hearing in which they give their evidence. Good practice would be that at no point should the Head teacher or the parent/carer be left with the complaint panel without the other being present.

Once the panel are satisfied that they have heard all the information they need to make a decision, the Chair of the Panel will explain to the Complainant and the Head teacher that the panel will consider its decision and respond in writing within 15 school days. The Complainant and the Head teacher will then leave.

The panel will then consider the complaint and all the evidence presented. The panel can:-

- Uphold the complaint, in whole or in part.
- Dismiss the complaint, in whole or in part.
- Decide on the appropriate action to be taken to resolve the complaint.
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar difficulties in the future.

A written response detailing the decisions, recommendations and the basis on which these have been made will be sent to the Complainant within 15 school days. The Complainant must be notified of the right to refer their concerns to the Department for Education if they are dissatisfied with the way their complaint has been dealt with.

The governing body will nominate three or five members with delegated powers to

hear complaints at Stage Three of the Complaints Procedure. The governing body will also appoint a clerk to the Complaints Appeal Panel. The panel will choose their own chair. The appeal panel's terms of reference are to:

- Hear individual appeals;
- Follow the procedures set out in Paragraph 7 of this document;
- Make recommendations on school policy and/or practice as a result of complaints

The governors will do all they can at this stage to resolve the complaint to the complainant's satisfaction. 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 school procedures/practices to ensure that problems of a similar nature do not occur.

If the governing body complaints appeal panel is unable to resolve a complaint it may be referred to the LEA for investigation of how the complaint was handled.

10. Managing and Recording Complaints

The head teacher will have responsibility for the operation and management of the school complaints procedure and will hold records centrally. A complaint can be made in person or in writing. The Head teacher will log all complaints received by the school and record how they were resolved. Staff will keep brief notes of meetings and telephone calls.

All functions of the complaints procedure should be mindful of the requirements of the Data Protection Act, 1998 and the Freedom of Information Act, 2000

It is not appropriate to air complaints publicly, for example on social networking sites like Twitter and Facebook. The impact of such could adversely impact on the well being of children concerned, initiate unfair and unproven allegations against the staff and school and militates against achieving a fair and reasonable resolution. Such action could also result in the complainant being prosecuted for libel.

11. Access to the Policy

Details of the school's complaints procedure can be found as follows:-

- The school website
- Hard or soft copy available on request.

12. Review

The school will review as appropriate, and at a minimum once in a school year, will review how information about complaints is being used to improve services and delivery.

Policy Drafted by	Angela Nicholl
Adopted by the Governing Body	Autumn 2016
Date for Review	Autumn 2019

Policy for Unreasonable Complainants/ Harassment in Schools

The Head teacher and staff at St John of Beverley Roman Catholic Primary School deal with specific complaints as part of their day-to-day management of the school in accordance with its Complaints Procedure. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

The school is committed to dealing with all complaints fairly and impartially and to providing a high quality service to those who complain and they will not normally limit the contact complainants have with the school. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing their concerns and the school does not expect their staff to tolerate unacceptable behaviour. The school will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The aim of this policy is to ensure that the school may take action where behaviour of a complainant is deemed to be unacceptable.

Aims of the policy

- to uphold the standards of courtesy and reasonableness that should characterise all communication between the school and persons who wish to express a concern or pursue a complaint;
- to support the well-being of students, staff and everyone else who has legitimate interest in the work of the school, including governors and parents;
- to deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

Definition of Unreasonable Complainant

St John's Roman Catholic Primary School defines unreasonable complainants as '*those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints*'.

A complaint can be regarded as unreasonable when the person making the complaint:-

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introducing trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are fully answered often immediately and to their own timescales.
- Makes unjustified complaints about staff who are 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 or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the school's complaint process has been fully and properly implemented and exhausted including referral to the LA
- Seeks an unrealistic outcome.
- Has a history of making unreasonable complaints.

- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone whilst the complaint is being dealt with.
- Electronically recording meetings or conversations without the prior knowledge and consent of the other persons involved.

A complaint will also be considered unreasonable if the person making the complaint does so either face to face, by telephone or in writing or electronically:-

- Maliciously or aggressively.
- Using threats, intimidation or violence.
- Using abusive, offensive or discriminatory language.
- Knowing it to be false and using falsified information.

Acts in a persistent way by:-

- Sending numerous letters;
- Making multiple phone calls;
- Sending multiple e-mails;
- Leaving multiple voicemails;
- Sending multiple text messages;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Action to be taken by the school

Whenever possible, the Head teacher or Chair of Governors will discuss the concerns with the Complainant informally before invoking the procedure. This will be confirmed in writing.

If the behaviour continues the Head teacher will write to the Complainant explaining that their behaviour is unacceptable and is being considered under this policy. The letter will specify what behaviour is unreasonable and asking them to change it. The Head teacher may also specify methods of communication and times in a communication plan.

Any serious incident of aggression or violence the concerns and action will be put in writing immediately and the Police informed.

Any legitimate new complaints will still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Unreasonable Complaints.

Review

The school will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.

Policy Drafted by	Angela Nicholl
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Date for Review	Autumn 2019

St John of Beverley RC Primary School

Complaint Form

Please complete and return to the head teacher who will acknowledge receipt of the form and confirm what action will be taken.

Name:	
Address:	
Contact Telephone no:	
Pupil's name:	
Relationship to the pupil:	
Nature of Complaint and action already taken to resolve the complaint: (who did you speak to and what was the response)	
What action do you feel may resolve the problem at this stage?	
Do you wish to provide any documents/further information to support your complaint? Please detail.	
Signature:	Date:
Official Use.	
Date acknowledged:	By whom.
Complaint referred to:	Date referred:
Outcome of the Complaint:	

Guidance for Appeal Panel Members

The Complaints Appeal Panel

It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. When setting up the panel, the governing body must try to ensure that it is a cross-section of the categories of governor and sensitive to the provisions of the Equality Act 2010.

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations that will satisfy the complainant that his or her complaint has been taken seriously.

An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

Roles and Responsibilities

The Chair of Governors

The Chair of Governors will:

- check that the correct procedure has been followed;
- if a hearing is appropriate arrange the panel;

The School Bursar acting as Clerk

The Clerk is the contact point for the complainant in matters relating to the appeal panel hearing. The Clerk will:

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 decision.

The Chair of the Complaints Appeal Panel

The Chair of the Panel will ensure that:

- 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;
- 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;
- each side is given the opportunity to state their case and ask questions;
- All parties see written material. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

- key findings of fact are made;
- parents 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;
- the complainant is notified of the panel's decision, in writing, within the deadline published in the complaints procedure. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for the Panel Hearing

- The hearing should be 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 head teacher may question both the complainant and the witnesses after each has spoken.
- The head teacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the head teacher 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 head teacher 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 the set time scale.