

**ST. MARY'S CATHOLIC
PRIMARY SCHOOL**



A POLICY DOCUMENT

COMPLAINT POLICY

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| DOCUMENT TITLE | Complaint Policy |
| COMMITTEE RESPONSIBLE FOR POLICY | Resources Committee |
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| POLICY AUTHOR | Mr Tris Brown – PA to Headteacher |
| APPROVAL BY | |

OUR MISSION STATEMENT



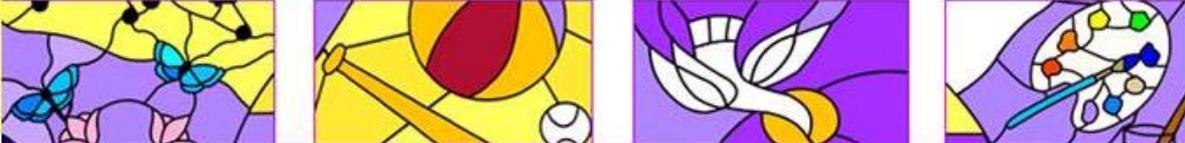
**St Mary's Catholic
Primary School**

To be the best that we can be.

We are uniquely created by God,
Each of us is equally valued and cherished for who we are.

Together we **learn** and grow with God.
Together we **support** and motivate one another.
Together we **respect** each other and the world in which we live.
Together we **forgive** as God forgives us.
Together we **inspire** lively and enquiring minds.
Together we **encourage** creativity, independence and responsibility.

Together we are home, school, parish, community.
We work together through the Gospel values central to the Catholic faith.



The Aims of Our School Are:

- To provide for the full personal and spiritual development of the pupils as they move on their journey of faith.
- To help the pupil to understand that every human being is uniquely created by God and destined to share in the life and love of the Father, Son and Spirit and that each is valued equally and cherished for who s/he is.
- To develop in the children enquiring minds, perseverance and the capacity to; question and listen, discuss rationally, be tolerant and work together or independently.
- To provide a broad balanced curriculum for the child, this, when applicable, takes into full account the requirements of the National Curriculum.
- To provide equal access to the full curriculum for all the children in our school.
- To provide opportunities for worshipping as a community.

Dealing with Complaints from Parents

1. Background

- 1.1 Under Section 29 of the Education Act 2002, Governing Bodies of all maintained schools and maintained nursery schools in England are required to have in place a procedure to deal with complaints relating to the school, and to any community facilities or services that the school provides.
- 1.2 The Act also states that such procedures should be publicised.
- 1.3 Local education authorities are required to have a procedure in place to deal with certain types of complaints, e.g. about the curriculum or collective worship in a school. Furthermore, there are certain other complaints which should not be covered by the Governing Body's complaints procedure, such as staff grievances or disciplinary procedures. Third parties who use the school premises to provide services should be required or encouraged to have their own procedures in place to deal with any complaints.

2. Aims

2.1 The aims of these guidelines are:

- to ensure that all complaints are considered fully, fairly, carefully and confidentially.
- that complaints are resolved to the satisfaction of complainants or that a clear decision is issued such as will enable the complainant, the Headteacher and the Governing Body to consider, how, if at all the matter should be dealt with.

3. Responsibility of the School

- 3.1 The Articles of Government for all County Schools state that 'the conduct of the school shall be under the discretion of the Governing Body' and that 'the Headteacher is responsible for the internal organisation and management of the school'. Therefore, the Headteacher has the overall responsibility for considering complaints in the first instance and, if appropriate, referring complainants to the appropriate staff to deal with them.
- 3.2 The Governing Body may ultimately be called upon to consider, resolve, or adjudicate, if the matter is referred to them either by the Headteacher or by the complainant but the importance is attached to the informal resolution of complaints wherever possible.

4. Definition of a Complaint

- 4.1 A complaint may be defined as an expression of significant dissatisfaction, by a period or persons with legitimate interest in the school but not employed at the school or on the governing body except where he/she is a parent governor about the conduct, actions or omissions of members of teaching or nonteaching staff employed at the school, or about the standard of teaching of members of the teaching staff.
- 4.2 Sometimes anonymous complaints may be made and such complaints must be left to the Headteacher's discretion to decide whether the gravity of such a complaint warrants any further action.
- 4.3 There are certain types of complaints, which should be dealt with under these types of procedure. These are complaints about the curriculum and collective worship under Section 23 of the Education Reform Act complaints which have child protection implication and there are separate guidelines for those.

5. Informal Stage

5.1 Complaints need to be dealt with promptly, thoroughly and on an informal basis.

5.2 There needs to be a degree of discretion in dealing with complaints. Day to day problems and concerns should be dealt with in schools as they arise, as normally happens in schools. Further steps only need to be taken where the complainant remains dissatisfied.

5.3 It is inappropriate to advise complainants in all situations to put their concerns in writing. Such action would unnecessarily formalise the situation, resulting in the involved parties taking perhaps more defensive or entrenched positions, which would make the conflict difficult to resolve.

5.4 The following structure, where appropriate, may be used to resolve the situation with problems unresolved at one level being referred to the next.

The Class Teacher
The Phase Co-ordinator
Deputy Head
Headteacher

5.5 It is important that the teachers to whom the Headteacher has referred the complaint feedback to the Headteacher the outcome of any discussion with the complainant and outstanding unresolved issues. Teachers receiving complaints and dealing with it in the first instance will need to notify the Headteacher of the complaint and its outcome.

5.6 The Headteacher may decide to deal with a matter personally in some circumstances.

5.7 In the case of non-teaching staff, the Headteacher should determine to whom the complainant should be referred.

5.8 If the issue remains unresolved through the process of discussions within the staff complaints structure and the matter is now subject of a discussion by the Headteacher with the complainant, the Headteacher may wish to seek the advice of officers of the LA.

5.9 If all the informal channels are exhausted and the issue remains still unresolved then the complainant should be advised of the formal channels open to him/her.

5.10 Headteachers are advised to use their best professional judgement in sharing information with staff. If a serious complaint is made about a member of teaching or non-teaching staff, they have the right to be informed. In some cases, this may lead to a disciplinary procedure.

6. Formal Stage

6.1 If the complaint is not resolved at the informal stage, the complainant must put the complaint in writing (if possible) and pass it to the Headteacher who will be responsible for its investigation. The complainant should include details which might assist the investigation, such as names, dates and times of events and copies of relevant documents. The Headteacher will conduct the investigation and inform the complainant of the outcome, which may be one of the following:

- a) There is insufficient evidence to reach a conclusion so the complaint cannot be upheld;
- b) The concern is not substantiated by the evidence;
- c) The concern was substantiated in part or in full (*some details may then be given of action the school may be taking to review procedures, but details of any disciplinary procedures will not be released*).
- d) The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential (*e.g. where staff disciplinary procedures are being followed*).

7. Complaints about the actions of the Headteacher or school policy

7.1 Informal Stage

7.1.1 The complainant arranges to speak directly with the Headteacher. If the matter is not resolved, if both parties agree, then a third party (e.g. the deputy) could be invited to act as mediator at a further meeting.

7.2 Formal Stage

7.2.1 If not resolved at the informal stage, the complaint is put in writing (if possible) and passed to the chair of the governing body who investigates the complaint.

7.2.2 The complainant needs to include all relevant details to assist the investigation. In addition, the complainant may be invited to meet the chair to present oral information or clarify the complaint, or this may be given by telephone. Also, if necessary the chair should interview witnesses and collect any further information. The Headteacher is provided with a copy of the complaint and any additional evidence provided. Once he has received this information, he is then invited to discuss the complaint with the chair.

7.2.3 Once the investigation has been carried out, all parties will be notified of the outcome in writing. The complainant will **not** be informed of any disciplinary action.

7.2.4 If the complainant is not satisfied with the manner in which the process has been followed, or considers that the action of the Chair is perverse, or that the Chair has acted unreasonably, then s/he should request that the governing body review the chair's handling of the complaint. Any such request should be made in writing (if possible) within two weeks of receiving notice of the outcome from the Chair, and include a statement detailing perceived failures.

8. Complaints made to the Governing Body

8.1 If informal attempts to settle the complaint have failed to satisfy, the complainant should set out the complaint fully in writing and submit this to the Chair of the Governing Body. Where it is not practicable for the complainant to submit a complaint in writing, then this should be made verbally in the first instance. Where appropriate, arrangements for interpreting should be made.

8.2 The written complaint will be immediately acknowledged by the Clerk to Governors or directly by the Chair of the Governing Body or in his/her absence by the Vice Chair and a copy of the complaints procedure sent to the complainant.

8.3 The Governing Body will arrange for the complaint to be investigated by a panel of three Governors who should have had no involvement in the matter at an earlier stage. This panel must be set up at a properly convened meeting of the full Governing Body (preferably annual governor's meeting as a complaints panel). An Appeals Panel of three members should also be set up at the same time so that all Governors know who is to be involved at what stage. The members of the Appeals Panel can also ensure that they keep well away from the proceedings of the First Panel, where possible, reflects a cross-section of governors who have no direct interest or involvement in the case.

8.4 The Governors First Panel will be provided with copies of the formal written complaint and any other documentation.

8.5 The Panel will arrange to interview separately, and, if appropriate, on more than one occasion, as many parties as may be involved in the complaint as they feel necessary. The Panel may request the attendance of a representative of the LA to act in an advisory capacity.

8.6 All parties involved in interviews in connection with the complaint may be accompanied, if desired, by a friend, representative and/or interpreter.

8.7 At least 10 working days' notice should be given of interviews and where possible all interviews should be conducted on the same day.

8.8 The complaint will be considered as soon as it is reasonably practicable. When the complaint has been fully investigated and considered, the Panel will notify the complainant of the outcome in writing within 5 working days giving an explanation of the conclusion, the reason for it, any action taken or proposed to be taken, including details of any request made to those complained against to take particular actions in respect of the complaint.

8.9 The matter will be reported to the full Governing Body the next meeting.

8.10 If the complainant is not satisfied by the outcome of the Governing Body Panel investigation, then they have the right of appeal to the Governing Body .

8.11 Appeals Panel. The intention to appeal should be made, in writing, to the Governing Body Appeals Panel within ten days of receiving the decision of the Governing Body Complaints Panel.

9. Review process

9.1 The review is conducted by a panel of three members of the governing body. It is normally a paper review, but reasonable request for oral representation should be considered. No member of the panel should have any previous involvement in consideration of the complaint.

The panel first receives written evidence from the complainant.

The panel invites the head and/or chair to respond in writing to the evidence.

The panel may also access the records of the entire complaint.

All parties will be notified in writing of the outcome. This may be to the effect that:

- **There is insufficient evidence to reach a conclusion so the complaint cannot be upheld;**
- **The concern is not substantiated by the evidence;**
- **The concern was substantiated in part or in full, but the procedural failure did not affect the outcome significantly, so the matter is now closed;**
- **The concern was substantiated in part or in full, and governors will take steps to prevent a recurrence or to rectify the situation.**

10. Further Action

10.1 If a complainant believes that the governing body has acted illegally or arbitrarily or not fulfilled its statutory duties they may make representation to the Secretary of State for Education and Skills.

10.2 Furthermore, the complainant has the right to pursue their complaint with the London Borough of Merton, via their corporate complaints procedure. For further information they should contact the Appeals and Customer Services Officer of the Children, Schools and Families Department on 020 8545 3263 or email education.complaints@merton.gov.uk