



ST ETHELBERT'S CATHOLIC PRIMARY SCHOOL AND NURSERY

Complaints Policy 2019-20

Date of Review: September 2019
Date of Next Review: September 2020

Complaints Policy and Procedure

Introduction

The Academy Committee of St. Ethelbert's Catholic Primary School and Nursery are committed to ensuring that the highest standards are maintained at the school, both in the provision of education to pupils and in every other aspect of the running of the school. A complaints procedure is an important part of the management of a well-run school allowing parents and others the opportunity to voice any concerns they may have through appropriate channels.

This policy explains the procedure which has been adopted by the Academy Committee to ensure a timely, systematic and fair approach to the resolution of such concerns.

We recognise the need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful.

Concerns or complaints should be brought to the attention of the school as soon as possible and generally within three months after the event.

The policy does not include staff grievance or disciplinary procedures. An anonymous concern or complaint will not be investigated under this policy unless there are exceptional circumstances.

Whenever a formal complaint is received it will be investigated. At each stage, the person investigating the complaint makes 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 (if unsure or further information is necessary).
- 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.
- Conduct the interview with an open mind and be prepared to persist in the questioning.
- Keep notes of the interview.

Whenever a concern or complaint is raised we will remain mindful of ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- An apology.
- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance 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 school policies in light of the complaint.

When making the complaint, we encourage parents/carers to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

At all times we will seek to identify areas of agreement between the parties and clarify any misunderstandings that might have occurred because this can create a positive atmosphere in which to discuss any outstanding issues.

Raising a concern or complaint

Stage 1: Informally

We aim to be an approachable and friendly school and we are always ready to listen to the views or concerns of parents. If you are at all worried about anything then please come and talk to us. Very often a conversation with your child's class teacher or an appropriate member of staff will reassure parents and/or to take timely and appropriate action. It may be that you feel that things are not going as well as they could be or you are worried about something your child is or isn't doing.

In the first instance please talk to your child's class teacher who will usually be able to help you with your concerns or reassure you. Teachers are usually available at the start or end of the day for quick questions or queries. If you wish to discuss things more confidentially please make an appointment via the school office.

If your concern is more serious, the class teacher **or** the parent can request that a member of the Senior Leadership team (usually the Assistant Headteacher for your child's phase or the Assistant Headteacher for Inclusion) become involved in order to respond appropriately to the concern you have raised.

Pupils may raise their concerns through the School Council or with any Teacher. General concerns or issues from parents can be raised through the Parent Council. Any person can bring their concern to the Head Teacher or Deputy Head Teacher. A concern/ complaint about the Head Teacher must be directed to the Chair of the Academy Committee.

Every effort will be made to address and to resolve the concern or complaint as soon as possible by providing information and through discussion with you about the problem. ***This should take place within 5 working school days.*** If there is likely to be a delay, you will be informed of any delay and the reason why.

We take all concerns raised by parents seriously, but if you feel a concern has not been dealt with appropriately then parents should follow the procedure for making a formal complaint which is outlined in Stage 2 below

Stage 2: Formal complaints in writing to the Headteacher

If you are not satisfied with the response provided in Stage 1, you can make a formal complaint in writing to the Headteacher. At this stage we would ask that you complete the "Formal Complaint Form" provided in the appendix. In this form you are asked to outline:

- What the concern/complaint is
- What steps have already been taken to resolve the issue
- What you would like to happen in order to resolve the issue

At this stage, the Headteacher may nominate a member of the Senior Leadership Team to investigate and respond to your concerns. This will usually be the Assistant Headteacher responsible for your child's year group or the Assistant Headteacher for Inclusion. If this

member of staff has already been involved in trying to resolve the complaint/concern during Stage 1, the matter will be referred to the Deputy Headteacher. In his/her absence the matter will be investigated by the Headteacher.

The Headteacher or nominated member of the Senior Leadership Team will invite you to attend a meeting to discuss your complaint and to seek a resolution. A friend may accompany you to help you in explaining the nature of your complaint.

The Headteacher, or the designated member of the senior leadership team, will investigate the circumstances of the complaint and may find it appropriate to ask for written statements from staff or pupils and to call for any relevant documentation.

If the complaint is against a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account.

At any stage during this process and depending on the nature of the complaint, the nominated member of the Senior Leadership Team may request the involvement of the Head Teacher in order to secure a swift resolution.

Your complaint will be acknowledged, investigated and a written response provided within 10 working school days. You will also be invited to attend a meeting to discuss the outcome of your complaint. If it is not possible to respond within the time limit you will be informed of the delay and the reason why. You will be advised that if you are not satisfied with the response from Stage 2 then you have the right to make a complaint to the Chair of the Academy Committee.

Stage 3 – Chair of Academy Committee’s investigation: the complainant should speak to or write to the Chair of the Academy Committee, who will look into their concern or arrange for another Academy Committee member to do so.

- The Chair of the Academy Committee will decide, after considering the complaint, the appropriate course of action. If the complaint is about the Chair of the Academy Committee, the complaint will be passed to the Clerk of the Academy Committee via the School office.
- In most cases, the Chair of the Academy Committee will respond to the complainant within 5 school working days of receiving the complaint. If further investigation is needed, a response will be given within 10 further school working days.
- The Chair of the Academy Committee will keep written records of all meetings and interviews held in relation to the complaint.
- Once the Chair of the Academy Committee is satisfied that, as far as practicable, all of the relevant facts have been established, a decision will be made and the complainant will be informed of this decision in writing. The Chair of the Academy Committee will give reasons for the decision.
- If the complainant is still not satisfied with the decision, they should write to the Clerk of the Academy Committee. The letter should be marked *‘private and confidential’* and handed in to the School.

Stage 4: Formal Complaints to the Academy Committee

If the matter remains unresolved and you are not satisfied with the response provided in Stage 3,

Stage 4 – Academy Committee Appeal Panel:

The Chair of the Academy Committee will convene a panel of Academy Committee members to review the complaint. This panel will be clerked and will consist of three members who have no prior knowledge of the complaint. It will consider written and verbal submissions including from the complainant, the Headteacher and Chair of the Academy Committee.

- The panel will then acknowledge the complaint and schedule a hearing to take place as soon as practicable within 10 school working days.
- If the panel deems it necessary, it may require that further particulars of the complaint and any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties not later than 5 school working days prior to the hearing.
- The complainant may be accompanied to the hearing by one other person. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.
- If possible, the panel will resolve the complaint immediately without the need for further investigation.
- Where further investigation is required, the panel will decide how it should be carried out. After due consideration of all the facts they consider relevant, the panel will reach a decision and may make recommendations, which it shall complete within 5 school working days of the hearing.
- The panel will write to the complainant informing them of the final decision and the reason for it.
- The panel's findings and, if any, recommendations will be sent in writing to the complainant, the Headteacher, the Chair of the Academy Committee and, where relevant, the person complained of.

Final Stage – ESFA

If the complainant is not satisfied about the handling of their complaint they can contact the ESFA via the schools complaints form.

At every stage of the formal procedure, the handling of the complaint will be:

- non-adversarial
- swift (using agreed time limits)
- fair (using independent investigation where necessary)
- confidential

Throughout the process, the School will be willing:

- to listen
- to learn
- to admit mistakes
- to apologise if appropriate
- to address any issues raised
- to change school practice if appropriate
- to maintain professional relationships

Confidentiality

- Complainants can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential except in so far as is required of the School by section 162A of the Education Act 2002; where disclosure is required in the course of the School's inspection; or where any other legal obligation prevails.
- The School will not investigate anonymous complaints or allegations, but confidentiality will

be respected.

Recording Complaints

Written records will be kept of all formal complaints, and of whether they were resolved at a preliminary stage or proceeded to a panel hearing. Records will be maintained by the PA to the Headteacher and copies will be kept on the School premises available for inspection. Individual complaints may be revealed to the secretary of State as well as inspectors operating under section 162A of the Education Act 2002.

You can also take your complaint to Ofsted if the nature of the problem may impact the education or welfare of pupils in the whole school. This includes problems with the quality of education or poor management. Please follow the link <http://live.ofsted.gov.uk/onlinecomplaints>.

Responsibilities

Academy Committee

Responsible for:

- adopting the policy and procedures in this document
- appointing where necessary an independent panel to hear complaints, when the complainant is not satisfied with the School response
- receiving reports and findings from the panel
- receiving reports from the Headteacher and advising the Headteacher

Appeal Panel

Responsible for:

- making all parties aware of and understand the procedures involved in the complaints policy
- ensuring the issues are addressed
- ensuring key findings of fact are established
- ensuring the hearing is conducted as informally yet professionally as possible
- ensuring the panel have an open-mind and act independently
- ensuring no member of the panel has a vested interest in the outcome, or has been involved in the issues previously
- ensuring all parties have the chance to be heard
- ensuring any written material is seen by all parties involved in the complaint
- ensuring findings are communicated to the complainant and school within 5 school working days of the hearing

Clerk to the Academy Committee

The Clerk must act as the reference point for the complainant when the complainant has not been satisfied with the School's response.

Responsible for:

- setting convenient dates, times and venues for hearings
- collating any written material and forwarding it to the parties involved
- meeting and welcoming the parties
- recording the proceedings
- notifying the parties of the decision

Headteacher

Responsible for:

- the overall internal management of the procedures
- ensuring that there is both an informal and formal procedure
- ensuring that the written policy and procedures are available to parents, students and members of the public on request
- hearing complaints at the second stage
- ensuring that the procedures are monitored and reviewed with regular reports made to the Academy Committee.

Class Teachers

Responsible for:

- dealing with and where possible resolving concerns/complaints concerning any students in their class group
- reporting any complaints to senior staff

All Staff

Responsible for:

- hearing concerns brought to them by parents and students and reassuring them that they will be dealt with as soon as possible by the appropriate member of staff; informing the relevant member of staff of the concerns
- passing on any complaints received from other people who are not parents or students to the Headteacher.

This policy does not cover complaints regarding:

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to the School• Statutory assessments of Special Educational Needs and Disabilities (SEN+D)• School re-organisation proposals• Matters likely to require a Child Protection Investigation	Concerns should be raised direct with the Admissions Authority. Complaints about School admissions should be directed to the appropriate admissions authority. Complaints about admissions appeals should be addressed to the Local Government Ombudsman
<ul style="list-style-type: none">• Exclusion of students from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/schooldiscipline-exclusions/exclusions
<ul style="list-style-type: none">• Whistleblowing	Follow the School's whistleblowing procedure. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none">• Staff grievances and disciplinary procedures	These matters will invoke the School's internal procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none">• Complaints about services provided by other providers who may use School premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

Serial or Persistent Complaints

The School will help and support those who contact them with a complaint or concern or request information. Sometimes, however, the School may be repeatedly contacted with regard to the same information and points, asking for the School to reconsider the position or decisions made.

If the complainant tries to repeatedly re-open the same issue once the procedure has been completed, this will be considered serial or persistent and appropriate action will be taken. The application of a serial or persistent marking will be against the subject or complaint itself rather than the complainant.

The Chair of the Academy Committee can inform the complainant that the case has been closed.

The School recognises that all complainants have the democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached.

The School believes the decision to stop responding should never be taken lightly. The School needs to be able to say yes to all of the following:

- The School has taken every reasonable step to address the complainant's needs;
- 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.

The case to discontinue responding is stronger if the School agrees with one or more of these statements:

- The School has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience – have they actually said as much in a letter, email or telephone call?
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

The School will continue to respond professionally and will not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances, the School will refuse to respond to the subject matter. It is the subject matter that the School can refuse to respond to, not the complainant.

The School will provide parents with the information they are entitled to under The Education (Pupil Information) (England) Regulations 2005 (S.I. 1437) and subsequent amendments in the School Information (England) Regulations 2008 (S.I. 1471).

However, where an individual's behaviour is causing a significant level of disruption the School may implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

The School recognises that complainants have a right to have any new complaint heard, and obstruction by a school could result in the complaint being referred to the Education and Schools Funding Agency. If School staff find it difficult to deal direct with a complainant because of their unreasonable behaviour and other strategies are not working, they may be able to approach the governor services team at their LA to ask for assistance. If this is agreed, complainants can be advised not to contact the School, but to communicate instead with the LA, who will co-ordinate any response.

Complainants who may have been restricted in their communications with the School can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the School considers it to constitute harassment, legal advice will be sought as to the next steps.

Once the School has decided that it is right to stop responding, the Headteacher or Chair of the Academy Committee will let the complainant know; ideally through a hard copy letter, but an email will suffice.

Unreasonable Complaints

The School defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the School, hinder the School's consideration of their or other people's complaints'.

A complainant may be regarded as unreasonable who:

- 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 this complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately or 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 complaints procedure has been fully and properly implemented and completed, including referral to the Department for Education;
- seeks an unrealistic outcome;
- 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 while the complaint is being dealt with.

A complainant may also be considered unreasonable if they make their complaint whether 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 unacceptable information in a variety of media such as social media websites and newspapers

Complainants should limit the number of communications with the School while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome.

Whenever possible, the Headteacher or Chair of the Academy Committee will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the School causing a significant level of disruption, the School may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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.

Banning from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The School will therefore act to ensure it remains a safe place for students, staff and other members of its community.

If an individual's behaviour is a cause for concern, the School can ask him/her to leave school premises. In serious cases, the Headteacher or the Local Authority can notify them in writing that their implied licence to be on School premises has been temporarily revoked subject to an appeal hearing. If this decision is taken, the School will put it in writing and explain how the decision can be appealed. The School will give the individual the opportunity to formally express their views on the decision to ban in writing.

The decision will then be reviewed and either confirmed or lifted. If the decision is confirmed the individual will be notified in writing, explaining how long the ban will be in place.

Anyone wishing to complain about being banned can do so, by letter or email, to the Headteacher or Chair of the Academy Committee. However, complaints about banning cannot be escalated to the Department for Education.

Once the School procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Review of Procedure

This procedure shall be subject to periodic review and may be changed from time to time.

Management of policy

The Academy Committee and Headteacher have overall responsibility for the maintenance and operation of this policy. They will maintain a record of concerns raised and the outcome

The Academy Committee approved this policy on date:

Signed:

Chair of the Academy Committee

Signed:

Headteacher

This policy should be read in conjunction with all school policies.

APPENDIX A: COMPLAINTS POLICY AND PROCEDURE

STAGE 2: FORMAL COMPLAINTS TO THE HEADTEACHER

Where a concern/complaint has not been resolved under Stage, please complete and return this form to the Headteacher who will acknowledge receipt of this complaint and what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address/postcode:

Contact phone number:

Please give details of your complaint (please continue overleaf if necessary):

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

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

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

Parent signature:

Date:

Official use

Date acknowledgement sent:

By whom:

Complaint referred to:

Date:

APPENDIX B: CHECKLIST FOR A PANEL HEARING

The Academy Committees' complaints panel needs to take the following points into account:

- The hearing is 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 a set time scale.

Complaints Flowchart	
<p>STAGE ONE: INFORMAL</p> <p>Complainant to proceed to Stage 2 by informing the school within 10 school working days</p>	<p>Expression of concern to member of staff / Response within 7 school days</p> <p style="text-align: center;">↓</p> <p>Satisfactory outcome reached?</p> <p style="text-align: center;">↓ ↓</p> <p style="text-align: center;">No: Go to stage 2 Yes: No further action</p>
<p>STAGE TWO: HEADTEACHER'S INVESTIGATION</p> <p>Complainant to proceed to Stage 3 by informing the school within 10 school working days</p>	<p>Complainant makes verbal/written complaint to Headteacher</p> <p style="text-align: center;">↓</p> <p>Investigation conducted and outcome reported to complainant Initial response within 5 school days</p> <p style="text-align: center;">↓</p> <p>Satisfactory outcome reached?</p> <p style="text-align: center;">↓ ↓</p> <p style="text-align: center;">No: Go to stage 3 Yes: No further action</p>
<p>STAGE THREE: CHAIR OF ACADEMY COMMITTEE INVESTIGATION</p> <p>Complainant to proceed to Stage 3 by informing the school within 10 school working days</p>	<p>If the complainant is not satisfied with the response of the Headteacher or the complaint is about the Headteacher, the complainant should write to the Chair of the Academy Committee to request that their complaint is considered further.</p> <p>Investigation conducted and outcome reported to complainant initially within 5 school days ↓</p> <p>Satisfactory outcome reached?</p> <p style="text-align: center;">↓ ↓</p> <p style="text-align: center;">No: Go to stage 4 Yes: No further action</p>
<p>STAGE FOUR: ACADEMY COMMITTEE APPEAL PANEL</p> <p>Complainant to proceed to Stage 4 by informing the school within 10 school working days</p>	<p>If the complainant is not satisfied with the response of the Chair. The complainant usually needs to write to the Clerk to the Academy Committee giving details of the complaint and asking that it is put before the appeal panel (Response within 5 school days). The Chair, or if the Chair has been involved at any previous stage in the process, a nominated academy committee member, will convene an Academy Committee Complaints.</p> <p>The Academy Committee appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions. .</p>
<p>FINAL STAGE: FURTHER RIGHT OF PROGRESSING COMPLAINT</p> <p>If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:</p> <ul style="list-style-type: none"> • Whether there was undue delay, or the school did not comply with its own complaints procedure • Whether the school was in breach of its funding agreement with the secretary of state • Whether the school has failed to comply with any other legal obligation <p>If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.</p>	

