



# **COMPLAINTS POLICY**

**April 2017**

**Review Date: April 2020**

## **ST. JOSEPH'S CATHOLIC PRIMARY SCHOOL**

### **COMPLAINTS POLICY and PROCEDURE**

This policy and procedure will be carried out with due regard to our School Vision and Mission Statement:

**Together we love- Together we hope- Together we learn**

**St Joseph's Catholic Primary School is an inclusive, vibrant, Catholic community where we encourage everyone to share a love of learning and the love of Christ.**

**Together, we hope to inspire each other to achieve our full potential and to embrace our future with confidence.**

#### **Aims**

The legislation regarding complaints in respect of the delivery of education is complex and often confusing. This policy is intended to be all embracing and provide guidance as to the most appropriate course of action to a complainant.

Note taken from North Somerset Guidance for Parents: In general terms, there is a marked distinction between the role of North Somerset Local Authority (LA) and Diocesan authorities, and that of North Somerset Schools in dealing with complaints. In the main, the LA has no direct powers over the day-to-day management arrangements within schools (which tend to be the basis for the majority of complaints). Such complaints will need to be addressed direct with the school concerned.

#### **Policy**

Parents and pupils at St Joseph's are encouraged to express their views on what goes on in the school, so that staff receive an early warning of potential difficulties, and many problems can be prevented from arising.

It is our policy to deal with your complaint within the time scales set out and with diligence, following the procedure.

All Complaints will be supported, support will also be offered for a person complained against and all complaints will be treated as confidential.

If the outcome of a complaint is valid, then there will be some form of redress.

The majority of complaints can often be resolved informally and we encourage all complainants to follow the procedure. It is important for staff to record details of any complaint, but we want complainants to feel able to raise concerns without any formality, either in person, in writing or by telephone.

A formal complaint by a registered pupil will be addressed by teaching staff. Pupils will have the right of appeal to the Headteacher.

## **Procedure**

We ask all complainants to follow the steps listed. There is a flow chart provided (Annex A).

### **Stage 1** **First Contact**

- Complainants are given the opportunity to discuss their concern with the appropriate member of staff.
- The nature of the concern is clarified, together with the outcome the complainant is looking for.
- The staff member dealing with the concern makes sure the complainant is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing only if this seems the best way to make things clearer.
- Where no satisfactory solution has been found within 10 days, complainants are asked if they wish their concern to be considered further. If so, they are given clear information, both verbally and in writing, about how to proceed towards Stage 2.

### **Stage 2** **Referral to the Headteacher**

If the issue cannot be resolved informally at Stage 1, the complainant must put the complaint in writing to the Headteacher.

- The Headteacher (or designate) will provide an opportunity for the complainant to meet him/her to supplement any information previously provided.
- If necessary, the Headteacher (or designate) will interview witnesses and take statements from those involved. If the complaint centres around a pupil, the pupil will also be interviewed, with parents/guardians present.
- A decision letter will normally be sent within 10 school days of the receipt of the complaint under Stage 2.
- Where it is not possible to issue a decision letter within the above time limit, the Headteacher will inform the complainant (within 10 school days) of the date by which a decision letter will be issued.
- The decision letter will state the right of the Complainant to progress the complaint to Stage 3. The complainant is advised that if s/he wishes to take the complaint further, then they should notify, in writing, the Headteacher within 10 school days of the date of the decision letter.
- If the matter is serious or urgent, the Headteacher may undertake a formal investigation or immediately refer the matter to the Chairman of the Governing Body (Stage 3).

**Stage 3**  
**Review by the Governing Body**

This review will be independent and impartial.

- Within 5 school days of receipt of a complaint under Stage 3, the Headteacher will send to the Chair of the Governing Body a completed statement together with the complainant's notification letter.
- The Chair of the Governing Body will write to the complainant acknowledging receipt of the complaint. The acknowledgement will state that the complaint will be considered by a committee of 3 members of the complaints panel within 10 school days of receiving notification of the complaint under Stage 3.
- Note: The committee will be made up from a Complaints Panel. Membership of the Panel will be reviewed annually by the Governing Body. The Panel does not have to comprise solely of governors of the school.
- Membership of the committee will reflect the following:
  - ☐ At least one member of the committee must be a parent of a pupil at the school (not necessarily a parent governor).
  - ☐ A majority of the members of the committee must be governors.
  - ☐ Neither the Complaints Officer nor the Headteacher may be a member of the committee.
- The committee will convene within 10 school days to consider what action should be taken in response to the complainant. The committee may wish to seek the views of the LA or appropriate Diocese.
- The Chair of the Committee will inform the complainant of the action to be taken within 5 school days following the date of the committee meeting.
- The committee may consider that an oral hearing of parties to the complaint is the most appropriate way to address the matter. In such cases, the following requirements must be met:
  - ☐ The Chairman of the Committee will ensure that the complainant, Headteacher, any relevant witnesses and other members of the committee have at least 5 school days notice of the date, time and place of the meeting.
  - ☐ Documents should be submitted in time for all parties to the meeting to have properly considered them (ideally 5 working days in advance of the meeting), otherwise proceedings should be adjourned.
  - ☐ The involvement of witnesses and staff is subject to the discretion of the Chairman of the Committee.
  - ☐ Many complainants will be unfamiliar with the process involved and may feel overwhelmed. Therefore, the Chairman of the Committee will ensure that proceedings are as formal as possible.
  - ☐ The procedure below will be followed:
    - All parties are introduced
    - The nature of the complaint is confirmed

- The Headteacher (or investigating governor) explains the school's response following completion of Stages 1 - 2 and relevant witnesses called
  - The complainant is given the opportunity to question the Headteacher (and witnesses)
  - Panel members question the Headteacher (or investigating governor) (and witnesses)
  - The complainant states their case and calls relevant witnesses
  - The Headteacher (or investigating governor) is given the opportunity to question the complainant (and witnesses)
  - Panel members question the complainant (and witnesses)
  - Summing up given by Headteacher (or investigating governor)
  - Summing up given by complainant
  - Parties to be asked if they consider that they have had a fair hearing
  - Parties to be advised that a decision will be communicated to them in writing within 3 weeks of the date of the hearing
  - The complainant, Headteacher and any witnesses to leave.
- ❑ The committee will then consider the evidence submitted and the statements made. The committee then establish and record:
    - The facts
    - The decision (including whether the decision was reached unanimously or by way of a majority vote)
    - The reasons for reaching the decision
    - Any recommendations arising e.g. changes to school procedures
    - Any resource available to the parties to the complaint.
  - ❑ It is the responsibility of the Chair of the Committee to ensure that the meeting and the arising decisions are minuted.
  - ❑ A decision letter, together with a copy of the minutes is forwarded to the parties to the hearing.

#### **Stage 4**

#### ***Subsequent Reviews***

If a complainant is still not satisfied with the outcome of Stages 1 – 3, then they have the right to refer matters to the Director of Children and Young People's Services, who will then appoint an independent panel to investigate how the Governing Body handled the complaint. Please note the panel will not investigate the initial complaint. If the

complainant is still not satisfied with the outcome, then they have the right to refer matters to the Secretary of State for Education and/or the Local Government Ombudsman.

- Appeals to the Secretary of State may be made under either Section 496 of the Education Act 1996 (unreasonable action) or Section 497 (failure to discharge duties) at the following address:

Department for Education  
Sanctuary Buildings  
Great Smith Street  
Westminster  
London  
SW1P 3BT

- The Local Government Act 1974 says that the Ombudsman cannot investigate complaints about the internal management of a school. The address is as follows:

Local Government Ombudsman  
The Oaks No 2  
Westwood Way  
Westwood Business Park  
Coventry  
CV4 8JB

- Both the Secretary of State and Local Government Ombudsman will normally expect all other avenues open to a complainant to have been exhausted.

**Signed Chair of Governors.....**

**Signed Headteacher.....**

**Review Date:**

Annex A on following page

## ANNEX A

### **Complaints Procedure** **Flowchart**

