

## St Bertelina's Church of England Primary School

### SCHOOL COMPLAINTS PROCEDURE & POLICY

St Bertelina's takes its responsibility for children very seriously. We value the support and partnership of parents and carers. We try very hard to get things right. However, despite everyone's best efforts, situations may arise which require further attention.

A complaint is defined as:

'An expression of dissatisfaction or disquiet in relation to a school or teacher, which requires a response.'

Pupils, parents or carers can make a complaint to the school about most aspects of its function including:

- Attitude/behaviour of staff.
- Teaching and learning.
- Application of behaviour management systems.
- Bullying.
- Provision of extra-curricular activities.
- Provision of internal support for SEND children

The Local Authority retains responsibility for:

- The National Curriculum.
- Provision of external support services eg SEN, education welfare, educational psychology.

Any complaints about either of them should be referred to the Children's Customer Care Manager (CYP).

**NB** At St Berts, concerns relating to worship and spiritual matters may be referred to the Diocese of Chester.

Members of the general public may make complaints to the school if the school is directly responsible for the issue being complained about eg

- Behaviour of pupils during break times.
- Disturbance to neighbours during school hours.
- Health and Safety issues of premises.
- Behaviour of staff.

School are not responsible for the actions or behaviour of pupils outside school hours.

Legal, child protection or disciplinary proceedings take precedence over complaints procedures and timescales.

## **Stage One**

The vast majority of concerns can be resolved informally. There are many occasions where concerns are resolved straight away by the class teacher, office staff or the Headteacher, depending on whom the complainant first approaches. It is in everyone's best interests that complaints are resolved at the earliest possible stage.

Complainants must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. This allows staff to establish whether a person is asking a question, expressing an opinion or making a complaint.

The member of staff first contacted should clarify the nature of the concern and reassure the complainant that the school wants to hear about it. If the member of staff can resolve the concern immediately they should do so. They should then record the enquiry and any agreements made, and notify the Headteacher.

It will assist the procedure if the school respects the wish of a complainant who indicates they would have difficulty discussing their concern with a particular member of staff. Similarly, if a member of staff feels too compromised to deal with a complaint, they should be able to pass the concern to another member of staff.

If the member of staff can't resolve the concern, they should make a clear note of the date, name, contact address and phone number and a brief note of the nature of the concern. It would also be useful to record what sort of outcome the complainant is looking for. The member of staff should then refer the complaint to the Headteacher or designated Deputy. The Headteacher must decide if the concern is covered by the complaints procedure or should be dealt with under other procedures eg child protection or personnel.

If the concern involves an allegation of assault or abuse of a child by a member of staff, the Headteacher must inform the Local Authority Designated Officer (LADO).

If the concern is about the Headteacher, the member of staff should provide the complainant with details of how to contact the Chair of the Governing Body.

The staff member dealing with the concern should make sure that the complainant is kept informed of any action taken. The emphasis at this stage should be on resolving the issue quickly and informally for the benefit of staff, pupils and parents.

The complainant should receive a response as soon as possible, and within a maximum of 15 school days. At this stage the response may be given verbally or in writing. The complainant should be given information on how to proceed if they are not satisfied and where to get independent advice.

Complaints received by an individual Governor should be referred to the Head or Chair as appropriate (except where the Head or Chair is the subject of the complaint) and not investigated by the individual Governor. The complaint should be investigated in accordance with the school's complaints procedure. Governors should not act unilaterally on individual complaints outside of the school's procedure or be involved in the early stages in case they are needed to sit on a committee hearing the complaint at a later stage of the procedure.

## **Stage Two**

Formal complaints should be made in writing to the Headteacher. If the complaint is about the Headteacher they should write to the Chair of the Governing Body who should carry out the Stage Two procedure. If the complainant has difficulty expressing themselves in writing, they should be informed where they can get independent assistance.

The Headteacher should acknowledge the complaint within 3 school days. The acknowledgement should include a summary of the complaints procedure and a target date for providing a response. This should be within 15 school days. If this date cannot be met, the complainant should be contacted and given a reason for the delay and a revised target date.

The Headteacher should provide an opportunity for the complainant to meet him/her to discuss their concerns and find solutions. It should be made clear that the complainant may bring a friend, family member or advocate to the meeting if they wish. Interpreting services should also be made available where necessary. The Headteacher may find it useful to have another member of staff present to observe and record the meeting and promote staff safety. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant.

The Headteacher should make whatever enquiries s/he considers necessary to ascertain the facts and the legitimacy of decisions taken. This may include:

- Interviewing staff/pupils.
- Reviewing minutes of meetings.
- Reviewing school records.

Pupils should be interviewed in the presence of another member of staff, or in the case of serious complaints (eg where the possibility of criminal investigation exists) in the presence of their parents. Again, care should be taken in these circumstances not to create an intimidating atmosphere, nor to compromise a criminal investigation.

It is important that the Headteacher investigates complaints thoroughly and objectively. If s/he feels unable to do this (eg if s/he has been directly involved in the decision making process that led to the complaint) s/he should delegate responsibility for investigating the complaint to another member of the management team or the Chair of Governors. In certain circumstances the Headteacher and Chair may also consider whether it would be appropriate to ask an independent person to investigate the complaint and report back to the Governing Body. Further advice on this may be sought from the Governor Support Service. It is strongly advised that the Headteacher (or designated person) should keep a record of interviews, telephone conversations and other documentation.

Once all the relevant facts have been established, the Headteacher should provide a written response to the complainant. This should include 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.

It may be useful at this point to offer the complainant a meeting to discuss the response and seek reconciliation. The complainant should be provided with details of how to contact the Governing Body if they are not satisfied with the response.

### **Stage Three**

A letter received by the school notifying that a complainant is dissatisfied with the outcome of a complaint at Stage Two must be passed to the Chair of Governors within 3 school days.

In the case of a written complaint received directly by the Governing Body, the Chair of Governors should first ensure that:

- the complaint has first been dealt with at Stage Two.
- the complaint is covered by the school's complaints procedure not other procedures eg personnel or child protection.

If the Governors cannot hear the matter, it should be referred back to the Headteacher and the Clerk to the Governors Complaints Committee should write to the complainant advising them of the correct procedures.

Upon receipt of a letter notifying that the complainant is not satisfied with the outcome of a Stage Two investigation, the Governors Complaints Committee should write acknowledging that the complaint has been received. The letter should explain that the complainant has the right to submit any further documents or information relevant to the complaint. A deadline for submission of these documents should be given.

The Headteacher should also be invited to submit a written report for the Complaints Committee. The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond personally or in writing.

The Clerk to the Governors should convene the Complaints Committee elected from the Governing Body. The committee should comprise 3 or 5 Governors who have had no previous involvement with the complaint. The complaint should not be heard by the entire Governing Body 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 Complaints Committee should set a timetable for the investigation and should notify the complainant of this. The review hearing should be heard within 20 school days of receiving the letter.

The Clerk should write to inform the committee, Headteacher, complainant and any relevant witnesses of the date and time of the hearing, giving a minimum of 5 days notice. All documents submitted should be circulated to the committee, the Headteacher and the complainant. The complainant will be notified of their right to have a friend, family member, advocate or interpreter present if they wish. The Chair of Governors should ensure that the review panel meeting is minuted.

The panel should also be open-minded and independent. The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may sometimes only be possible to establish the facts and make recommendations that satisfy the complainant that their concern has been taken seriously.

The hearing should be held in private. Any witnesses (other than the complainant and the Headteacher) should only attend for the part of the hearing in which they give their evidence.

The committee should remember that the complainants may not be used to formal meetings and may feel inhibited in addressing the committee. If it recommended that the Chair of the committee keeps the proceedings as informal as possible. This is particularly important if the complainant is a child.

If either party wishes to introduce new information at the meeting, this should be allowed. The meeting should then be adjourned for a short period to allow other parties to review and respond to this information.

The meeting should allow for:

- the complainant to explain their complaint and the Headteacher to explain the school's response.
- witnesses to be brought by the complainant or the Headteacher.
- the Headteacher and the complainant to ask questions of each other and any witnesses.
- the committee to ask questions of the complainant, Headteacher and any witnesses.
- the complainant and the Headteacher to summarise their position.

The Chair of the panel should explain to the complainant and the Headteacher that the committee will consider its decision and respond in writing within 15 school days. The complainant and the Headteacher should then leave.

The committee should then consider the complaint and all the evidence presented. They should then decide:

- whether or not they uphold the complaint, in whole or in part.
- what action can be taken to resolve the complaint.
- where appropriate, recommend what action can be taken to prevent similar difficulties in the future.

A written response detailing the decisions, recommendations and the basis on which these have been made should be sent to the complainant within 15 school days.

The school should retain a copy of all correspondence and records of meetings.

#### **Stage Four**

The complainant should be notified of the right to appeal to the Secretary of State for Education or the Local Government Ombudsman if they are unhappy with the way in which procedures have been carried out.

#### **Withdrawing a Complaint**

Complaints may be withdrawn in writing at any time.

The Headteacher and Chair of Governors should review the issue of concern and consider whether further investigation is required through other internal management systems.

#### **Dealing with Unreasonable Complaints**

A good complaints procedure can limit the number of complaints that become protracted. However, there may be occasions when despite all stages of the procedure being followed, the complainant remains dissatisfied.

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

- repeatedly makes the same complaint and refuses to accept the findings of the investigation into that complaint.
- seeks an unrealistic outcome.
- has a history of making unreasonable complaints.
- makes frequent, lengthy, complicated and stressful contact with staff regarding the complaint.

A complaint will also be considered unreasonable if the person making the complaint does so:

- Maliciously.
- Aggressively.
- Using threats, intimidation or violence.
- Using abusive, offensive or discriminatory language.
- Knowing it to be false.

In these circumstances, the Headteacher and/or the Chair of Governors should liaise with Legal Services and the Operational Director, Business Planning and Resources before deciding what action to take. They may also seek advice from the Children's Customer Care Manager and/or Governor Training Unit.

The presumption should be in favour of not restricting access unless it is absolutely necessary. The Governors may consider:

- warnings/contract re future conduct.
- restricting telephone calls to a particular day/time or person.
- restrictions on methods of contact (eg in writing only).
- not acknowledging future correspondence that does not present new information.
- temporary suspension of the person's access to the complaints system.

### **Dealing with Unreasonable Complaints**

The complainant will be informed in writing of any action taken and how long the action will last. They must be advised how to contact the Ombudsman and Secretary of State.

### **Anonymous Complaints**

It is for the school to decide what action it should take. The fact that a complaint is from an anonymous source should not in itself justify the Headteacher/Chair of Governors deciding not to pursue the matter. A school governing body should reserve the right to investigate anonymous allegations internally, which may then lead to referral to other procedures where relevant.

Anonymous complaints should always be recorded. Whether or not an anonymous complaint is investigated will depend upon the amount of information available. If there is insufficient information to support an investigation the complaint will be recorded and closed.

### **Information for Parents**

#### **Stage One**

Many concerns can be resolved quickly with goodwill, often by making early contact with the class teacher. If this is not possible, or the teacher is unable to resolve the concern, the parent, carer or pupil should contact the Headteacher or Deputy Headteacher.

The person who receives the complaint should attempt to work with the family to resolve the complaint informally. This may involve:

- mediation and conciliation.
- explaining policies or decisions
- helping the pupil to express their views to another person.
- review of educational provision.
- review of support services.

Most complaints will be dealt with in this way.

#### **Stage Two**

If the pupil, parent or carer is not satisfied with the outcome of the informal investigation, they may wish to make a formal complaint. This should be done in writing to the Headteacher.

If the complaint is about the Headteacher, or if the problem is not resolved, the matter should be referred to the Chair of Governors of the school.

The school and its Governors have a duty in law to act properly and investigate complaints impartially. Once investigations are complete, the person making the complaint should receive a written response from the school.

### **Stage Three**

Pupils, parents and carers who are not satisfied with the outcome of the investigation and wish to pursue a complaint regarding a school issue can refer the complaint to a review committee of Governors, known as the Complaints Panel. This can be done by writing to the Chair of the Governing Body. The aim of the panel is to establish any areas of agreement and identify actions that can be taken to resolve the complaint.

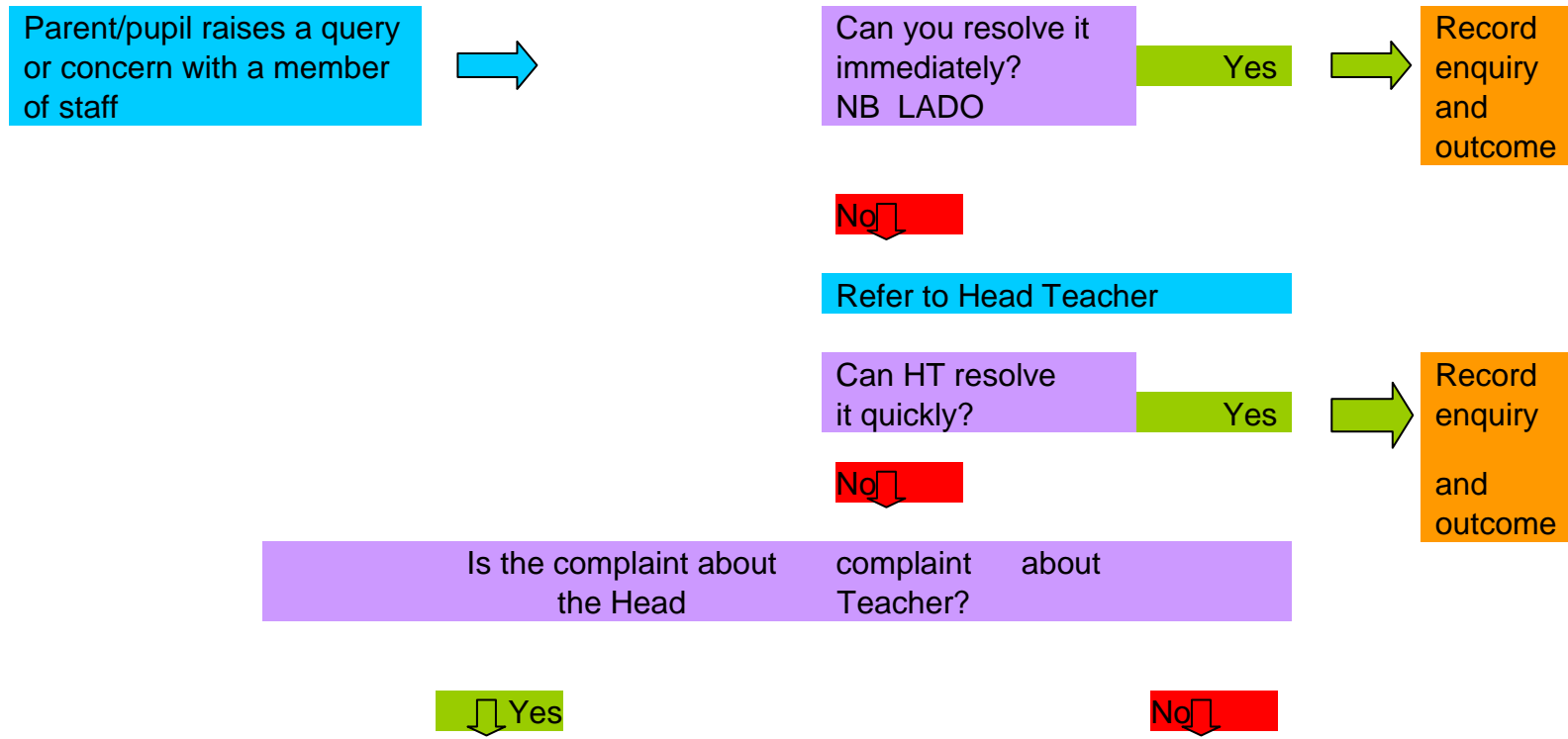
### **Stage Four**

If all other attempts to resolve the complaint have been unsuccessful, the pupil, parent or carer may refer their complaint to the Local Government Ombudsman or Secretary of State for Education.

This document complies with Section 29 of the Education Act 2002.

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Complainant writes to  
Chair of Governors

Complainant writes  
to Head Teacher

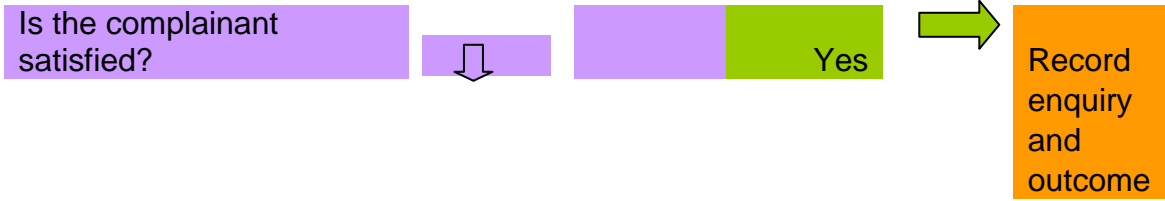
Chair of Governors  
investigates and  
responds

Head Teacher  
investigates  
and responds



Complainant writes to the Governing Body

Review Hearing



Complainant writes to Local Government Ombudsman or  
Secretary of State for Education