

Complaints Procedure

St Francis' Catholic Primary School



Ensuring for all an excellent child-centred education within a Christ-centred philosophy

Approved by FGB on: May 2018

Committee Responsible: Admissions and Personnel

Next review due by: May 2020

The procedure below fulfils the requirements of The Education Act 2002 (Section 29) for “all governing bodies to have a procedure to deal with complaints relating to aspects of the school, and any community facilities or services that the school provides.” This procedure does not apply to (and should not be used for) statutory appeals in relation to:

- admissions
- exclusions
- statutory assessments of children with special educational needs
- safeguarding matters
- whistle-blowing
- staff grievances
- staff discipline.

Please see our separate policies for procedures relating to these types of complaint.

When responding to complaints, we aim to:

- be impartial and non-adversarial
- facilitate a full and fair investigation by an independent person or panel, where necessary
- address all the points at issue and provide an effective and prompt response
- respect complainants’ desire for confidentiality
- treat complainants with respect
- keep complainants informed of the progress of the complaints process
- consider how the complaint can feed into school improvement evaluation processes.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

Who can raise a concern or make a complaint?

Anyone who has dealings with the school can use this procedure, whether a pupil, a parent or carer, a visitor, a neighbour, or a provider of a service to the school. If you wish to raise a concern or complain on someone else’s behalf, the school will usually only deal with this if the person on whose behalf you are complaining is unable to do so for themselves

How will my concern or complaint be handled?

Our procedure has three stages:

1. Responding to concerns
2. Investigating complaints
3. Appeal to the governing body

At any point in the handling of your complaint, there is also the possibility of a ‘resolution’ meeting. The school will try to deal with your complaint as quickly as possible. If you have concerns about the time being taken, you should raise this with the Clerk to the governing body.

We expect concerns and complaints to be brought to the attention of the school as quickly as possible. Complaints notified to the school after three months from the date of any incident will usually be ruled ‘out of time’, unless there are exceptional circumstances. The school may escalate a concern to a complaint in order to speed up the resolution of the issue.

If you report any of the concerns in the list below, we will need to refer to the local authority or other adviser to ensure that the relevant statutory or local authority procedure is used.

- the admission of your child
- the exclusion of your child
- local authority processes for assessing children with special educational needs
- allegations against staff of child abuse or other disciplinary matters

1. Responding to concerns

If your concern is about something that a person has or has not done, for example a member of staff, the head teacher, a governor, or a volunteer, you should make an arrangement through the school office to discuss the concern with that person or their manager. If your concern is about an aspect of school practice or policy, you should contact the head teacher. We want to respond to your concern as quickly as possible, but it may not be possible to arrange an immediate meeting: an appointment within a few days may be necessary. Please do not approach staff while they are 'on duty'.

We can reassure you that most concerns are usually resolved at this stage. We will give you a verbal response, usually within 5 school days, and confirm this in writing.

2. Investigating complaints

If you remain dissatisfied by our response to your concern, then you should make a formal complaint in writing to the head teacher, even if you have already met and discussed the concern. If you need help to set out your complaint in writing, the school will arrange this for you. All letters should be sent to the school address, marked 'confidential: for immediate attention'.

The head teacher will arrange for the complaint to be investigated. If your complaint is about the head teacher, you should contact the Chair of Governors who will arrange for it to be investigated by a nominated member of the governing body. If your complaint is about the Chair of Governors, you should contact the clerk to the governing body, who will make the arrangement. In all cases:

- state that you are making a complaint
- give specific details
- say what you want the school to do to put things right.

The head teacher, staff member or governor nominated to investigate and respond to your complaint will:

- contact you and arrange to meet or discuss the complaint and confirm with you, what will be investigated
- review any documents and meet with relevant staff and/or witnesses (though governors will not usually interview children)
- seek and consider independent advice, such as from the local authority
- write a response letter with a decision and explain how to make any appeal.

Please be aware that if your complaint alleges misconduct by a member of staff, the school must use a separate procedure which is confidential to the employer and employee. You will not normally be given any details of the outcome and the right of appeal does not apply. This process should take no longer than 10 school days (from the date the school acknowledges receipt of the complaint.) If there is likely to be a delay, the investigator should contact you again to explain why and indicate a new timescale.

3. Appeal to the governing body

If you remain dissatisfied with the outcome of the investigation, you may appeal to the governing body. The Chair of Governors (or the Clerk) will arrange for a panel of governors to consider your appeal. The letter giving the school's decision following the investigation will tell you how to make an appeal. This is usually by writing to the Clerk within 10 school days of the date of the response letter. The governing body will arrange for a panel of three governors to review your complaint. After this review, the panel will notify you of their decision. This will include informing you that the school's procedure has been exhausted and that the matter is now closed. There is no further right of appeal to the school against the decision. The appeal process should take no longer than 10 school days. If there is likely to be a delay, the Chair of the appeal panel should contact you again to explain why and indicate a new timescale.

Resolution meeting

You may at any time contact the school and ask for a resolution meeting (and the school may offer a resolution meeting at any time) which means that the formal investigation and appeal procedure can be suspended and a meeting held to resolve matters informally, usually within 10 school days of the request or offer being made. Should the resolution meeting fail to resolve the complaint, the investigation or appeal will be resumed.

The Secretary of State

If you are unsatisfied with the outcome of the school's complaints procedure, you can refer your complaint to the School Complaints Unit (SCU), which investigates complaints on behalf of the Secretary of State. The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

Ofsted

If your complaint is about a whole school issue, you have a separate right to complain to the Office for Standards in Education (Ofsted). Contact details can be found at www.ofsted.gov.uk. Note, however, that Ofsted do not usually consider complaints relating to individual children but they may use the information to bring forward an inspection.

Persistent Complaints

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed. If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- the school has taken every reasonable step to address the complainant's needs, *and*
- 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.

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- we have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- the individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- the individual makes insulting personal comments about, or threats towards, school staff.

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint. Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email. The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably. In the instance of unreasonable complainants St Francis Catholic Primary School will follow the Best Practice Advice for School Complaints 2016 (DfE)

Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls. This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel. This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during a school inspection. Records of complaints will be kept for 10 years. The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point. Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint. Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

Learning Lessons

The governing body will review any underlying issues raised by complaints with the head teacher where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

Further Information

For any complaint about the following, contact the local authority for advice and information:

- an appeal against a decision relating to the admission or exclusion of your child
- an appeal against a local authority decision about your child's special educational needs
- an allegation of child abuse or other criminal offence.

The governing body is not responsible for handling complaints about third party providers offering community facilities or services through our premises or using school facilities for external events. The governing body will however take reasonable steps to ensure that such providers have their own complaints procedures.