



St Edward's
RC/CE VA School

Complaints Policy

St Edwards RC/CE VA School is committed to providing the best education for our young people and wants our pupils to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community.

**Reviewed and Approved by
Pastoral Governors on 20th October 2016**

Reviewed and Ratified at the St Edward's FGB on 6th December 2016

Next review date: October 2018

Introduction

We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

From 1 September 2003 all maintained schools and maintained nursery schools in England are required, under Section 29 of the Education Act 2002, 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.

It is expected that all complaints will be referred to the school in the first instance. In situations where it has not been possible to settle a complaint through this process the Local Authority may be able to advise parents/carers and the school in order to help resolve difficulties, but will not be able to become involved if the steps set out below have not been followed.

Scope of this complaints procedure

The procedure covers all informal complaints/concerns and formal complaints other than those set out below. It is for use by parents and carers of students at the school or those who recently attended the school. Consideration can be given to complaints made by parents/carers of students who no longer attend the school, provided the complaint is received within six months of the student ceasing attendance at the school.

Formal complaints in the following areas will be dealt with under the relevant procedures, some of which are statutory procedures.

- Admissions to schools
- Exclusion of pupils from school
- Statutory assessments of special educational needs
- School re-organisation proposals subject to statutory procedures
- Complaints against individual members of staff in relation to their behaviour or competence, including the Headteacher
- Matters likely to require a Child Protection Investigation
- Complaints about services provided by other providers, such as contractors and other Council service units
- Complaints about the curriculum, including religious education and collective worship

Procedures when dealing with complaints

The complaints procedure is based on the following principles:

- Confidentiality should be respected
- Give and expect both courtesy and consideration
- Communication is the key to solving disputes and disagreements
- Concerns and complaints will be dealt with fairly and as speedily as possible
- Complainants will be kept informed at every stage, whether it is an informal or formal complaint

Anonymous complaints

It will be left to the Headteacher's discretion to decide whether the gravity of an anonymous complaint warrants its investigation.

Responsible Person or Complaints Co-ordinator

Every school will have a person to receive, record and monitor formal complaints. This is the Clerk to the Governors, Mrs Beth Stannard or Personal Assistant to the Headteacher and Senior Leadership Team, Mrs Rebecca Harris.

Step 1 - Informal concerns/complaints

The majority of parent/carer concerns/complaints can be resolved informally and speedily. If you have a concern about what the school has done, or not done in the first instance, the complainant should raise the complaint/concern with the relevant Teacher or Year Leader. This is usually the best and quickest way of resolving issues.

It is recommended that the complainant makes an appointment to speak to the Teacher or Year Leader as soon as possible as this will give both parties the opportunity to talk about the issue in an appropriate manner and without being interrupted.

It is important that the complainant recognises that schools are busy organisations and it may not be possible to offer an appointment straight away.

The purpose of the meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem. It is good practice for the Teacher or Year Leader to make a brief written record of the concern raised and any actions agreed.

Step 2 – A Second Informal Meeting

If the complainant feels dissatisfied with the outcome of discussions with the Teacher or Year Leader, they should ask for an appointment to meet with the Deputy Headteacher.

The purpose of this meeting should be to establish the nature of the ongoing concern, what has been discussed with the Teacher so far and any actions arising from the initial meeting. It is in everyone's interest, particularly the child or children, for concerns to be sorted out quickly and smoothly.

However, it may be that the Deputy Headteacher will need to look into what has happened since the initial meeting before they can suggest how the complainant's concern might be resolved. If this is the case, it should be agreed how and within what timescale they will contact the complainant to let them know the outcome of their enquiries and what actions they have taken/propose to take. The Deputy Headteacher may delegate aspects or all of the investigation if this will give a swifter resolution.

The Deputy Headteacher will make a brief written record of the concern discussed and what has been agreed and write to the complainant summarising this.

It is hoped that most problems will have been resolved at this stage through the informal process.

Step 3 - Formal Complaint Letter to the Headteacher

If the complainant feels that the concern/complaint raised has not been resolved through the informal process and they wish to pursue it further the complainant may raise it through the formal procedure. To do this the complainant must put their complaint in writing. Formal complaints must be in writing, either in a letter, email or on the form at the bottom of this document. It should be made clear that it is a formal complaint.

The complainant's letter should set out clearly the concern/complaint which has previously been discussed and why the complainant feels that the issue is unresolved. It is also helpful if the complainant can set out in their letter what resolution they are seeking.

Formal complaints should be addressed to the Headteacher. If they are addressed to the Chair of Governors, an individual Governor or member of staff they will be passed to the Headteacher.

The Headteacher or complaints co-ordinator will record the date the complaint is received and will acknowledge in writing (or by email) receipt of the complaint within 3 school days.

The Headteacher or complaints co-ordinator will investigate the complaint and respond to the complainant within 10 school days of the date of receipt of the complaint.

At this stage the outcome of the investigation by the Headteacher is final.

NB: At any time during the course of the investigation the complainant can withdraw the complaint or ask for it to become an informal complaint/concern. This must be done in writing by the complainant and will be acknowledged in writing by the Headteacher or complaints co-ordinator.

Moving to the formal complaints procedure is a serious step. In consideration of future home/school relationships everyone concerned will need to concentrate on finding a resolution to the issue and negotiate an agreement as to how this can best be achieved.

The Headteacher will consider the complaint and in doing so should:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet or contact the complainant if they need further information;
- clarify what the complainant feel would put things right if this has not been set out in the complainant letter;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct any interview with an open mind and be prepared to persist in the questioning;
- Keep notes of any interview for the record.

The Headteacher will keep in mind 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 (this is not an admission of negligence);
- an assurance that the event complained of will not recur

Where the complainant is unhappy about the decision the Headteacher has made about their complaint, this does not become a complaint about the Headteacher. If the complainant feels that the complaint has not been resolved the complainant should move to Step 4 of the procedure.

Step 4 - Formal Complaints to the Chair of Governors

If you are dissatisfied with the outcome of the Headteacher's investigation (Step 3) and feel strongly that you wish to take the matter further, you may make a formal complaint to the Chair of Governors.

There is a separate procedure if the complaint is against the Headteacher him/herself.

The Chair of Governors will record the date the complaint is received and will acknowledge in writing (or by email) receipt of the complaint within 3 school days. The Chair of Governors will advise that a complaints panel of 3 members of the Governing Body, who have not had any previous involvement in the complaint, will be convened at a date and time convenient to all parties but within 15 school days of receipt of the complaint.

The meeting will be clerked.

The Governors' complaints panel will take the following points into account, bearing in mind that each party will be given the opportunity to state their case and ask questions, and written material will be seen by all parties.

- The hearing will be 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 Headteacher may question both the complainant and the witnesses after each has spoken
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses
- The complainant may question both the Headteacher 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 Headteacher 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 be written to within 5 school days of the hearing, setting out the panel's decision(s)

The panel can:

- Dismiss the complaint in whole or in part
- Uphold the complaint in whole or in part
- Decide on the appropriate action to be taken to resolve the complaint

- Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

The decision of the panel, is final and the matter closed. The school's complaints procedure at this stage will have been exhausted.

NB: the complainant may ask for his/her complaint to be withdrawn at any stage and this will be acknowledged in writing by the Chair of Governors or Chair of the complaints panel, whichever is appropriate.

Step 5 – Formal Complaint about the Headteacher

If the complainant has a concern or complaint that is specifically about the Headteacher and which has not been resolved at the informal stage, then the complainant must write a formal letter of complaint to the Chair of Governors. The school will provide the complainant with the Chair of Governors' name and the complainant should write to him or her at the school address, marking the envelope 'urgent, private and confidential'.

The Chair of Governors will acknowledge receipt of the letter within 5 school days and contact the Area Officer, Learning and Improvement at the Local Authority for advice.

Complaint Time limits

Complaints need to be considered and resolved as quickly and efficiently as possible. As such, complaints made under this procedure must only relate to incidents or concerns occurring within the last 12 months. The complainant's complaint will not usually be able to be considered if the child no longer goes to the school.

Complaints received outside of term time

Complaints delivered to the school outside of term time will be deemed to have been received on the first day the school returns from its break.

Step 6 - Complaints not resolved through the formal process

If the complainant believes that the school has not properly followed its complaints procedure or has not acted fairly or reasonably in responding to the complaint the complainant may refer the matter to the Local Authority. The Local Authority has no legal right or duty to deal with most complaints about schools but will provide advice to the parent/carer and Governing Body in the event that a complaint which has been considered under the formal procedure remains unresolved or if the complaint is specifically about the Headteacher. The complainant will need to write to the Local Authority giving the details of their complaint, what action they have already taken to try and resolve their complaint and attaching a copy of the written response from the school.

The Local Authority will contact the complainant to confirm the details of their complaint and seek further information where necessary.

Initial consideration will be given to the circumstances of the complaint and the procedure followed by the school.

The Local Authority will come to a recommendation - either:

- that a thorough investigation has been fairly undertaken by the school and that an appropriate response has been made in accordance with the findings; or
- that the complaint merits further investigation (it will be referred back to the school in this case) .
- The Local Authority will notify the complainant in writing of the recommendation and what will happen next.

On conclusion of Step 4, the complainant may ask for their complaint to be heard by a committee of the governing body. The Local Authority officer will advise the complainant how this can be arranged.

Finally, if on conclusion of all 4 steps of this procedure, the complainant feels that the school's Governing Body and/or the Local Authority has acted unreasonably, the complainant may make a complaint in writing to the Secretary of State for Education. The complainant may contact the Department for Education by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

or by telephoning: 0370 000 2288

What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signature:	
Date:	

Official Use:

Date Acknowledgement sent:	
By Who:	
Complaint referred to:	
Date:	

POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS/HARASSMENT IN SCHOOLS

The Headteacher and staff deal with specific complaints as part of their day-to-day management of the school in accordance with the School's Complaints Procedure.

The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant. However, there are occasions when complainants behave in an unreasonable manner when raising and/or pursuing concerns. In these circumstances the school may take action in accordance with this policy.

Aims of the Policy

- uphold the standards of courtesy and reasonableness that should characterise all communication between the School and persons who wish to express a concern or pursue a complaint
- support the well-being of students, staff and everyone else who has legitimate interest in the work of the School, including governors and parents
- deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in school while ensuring that other stakeholders suffer no detriment.

Human Rights In implementing this policy

The School will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants and all other stakeholders.

Parent/Carers Expectation of the School

Parents/carers/members of the public who raise either informal or formal issues or complaints with the School can expect the School to regularly communicate to parents/carers in writing:

- a) how and when problems can be raised with the School
- b) the existence of the School's complaints procedure, and
- c) the existence of the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools
- d) respond within a reasonable time
- e) be available for consultation within reasonable time limits bearing in mind the needs of the pupils/students within the school and the nature of the complaint.
- f) respond with courtesy and respect
- g) attempt to resolve problems using reasonable means in line with the School's complaints procedure, other policies and practice and in line with guidance and advice from the Local Authority
- h) keep complainants informed of progress towards a resolution of issues

The School's expectations of Parents/Carers/Members of the Public

The School can expect parents/carers/members of the public who wish to raise problems with the school to:

- a) treat all school staff with courtesy and respect
- b) respect the needs and well-being of pupils and staff in the School

- c) avoid any use, or threatened use, of violence to people or property
- d) avoid any aggression or verbal abuse
- e) recognise the time constraints under which members of staff in schools work and allow the School a reasonable time to respond
- f) recognise that resolving a specific problem can sometimes take some time
- g) (in the case of a complaint) follow the School's Complaints Procedure

Who is a Persistent Complainant?

For the purpose of this policy, a persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the School and whose behaviour is unreasonable. Such behaviour may be characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint
- c) an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes
- d) an insistence upon pursuing complaints in an unreasonable manner
- e) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the school remit because it is unlawful.

For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in (a) to (e) above in such a way that they appear to be targeted over a significant period of time on one or more members of school staff causing ongoing distress to individual member(s) of school staff and/or have a significant adverse effect on the whole/parts of the school community and/or are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

The School's actions in cases of persistent or vexatious complaints or harassment

In the first instance the School will verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy.

This will be confirmed in writing

If the behaviour is not modified, the School will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:

- a) inform the complainant in writing that their behaviour is now considered by the School to be unreasonable and or unacceptable and, therefore, fall under the terms of this policy
- b) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties
- c) inform the complainant that, except in emergencies, all routine communication with the complainant to the School should be by letter only
- d) in the case of physical or verbal aggression the school will refer to Joint Local Authority-Police Guidance for Schools, "Dealing with Abuse, Threats and

- Violence Towards School Staff', and consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban. Guidance on this matter will be taken from the Area Education Manager
- e) advice may be sought from the Local Authority on pursuing a case under Anti-Harassment legislation

Legitimate new complaints will still be considered even if the person making them is, or has been, subject to the Policy for Dealing with Persistent or Vexatious Complaints and/or Harassment in Schools. In these circumstances advice may be sought from the Local Authority.

If a complainant's persistent complaining/harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the School may resume the process identified above at an appropriate level. In these circumstances advice may be sought from the Local Authority.

Review

The School will review as appropriate, and at a minimum once in a school year, any sanctions applied in the context of this policy.