

ST. JAMES' RC SCHOOL ACADEMY TRUST

COMPLAINTS PROCEDURE

2018/2019

Updated in line with EFA Guidance and Guidance from the Diocese of Southwark: Spring Term 2014

To be reviewed: Autumn Term 2019

The Catholic Ethos of St. James'

As the first educators of their children, we believe that parents have a duty to take an active interest in their school. Canon Law requires that there is a partnership between the parent and the school "...there must be the closest co-operation between parents and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with parents and willingly listen to them." (Canon 796).

At St. James' the partnership between the parent and the school is integral to the ethos and mission of the Catholic school and is characterised by a mutual respect. We endeavour to create a climate where parents feel they are able to bring their concerns to the attention of staff in the school, with the expectation they will be listened to and their concerns addressed.

Dealing with concerns

We encourage parents to raise their concerns with the school so that they can be resolved quickly and informally. Most concerns can be resolved by the person to whom the concern is addressed e.g. the Class Teacher. It is only when a resolution cannot be reached at the informal stage the concern becomes a complaint and the formal part of the procedure is applied. We treat all concerns seriously and take prompt action to reach a resolution.

Many concerns are expressed because of misunderstandings. At St. James' we try to reduce these concerns by:-

- providing parents with regular information;

- involving parents and pupils in school workshops, reviews and evaluations;
- inviting feedback from parents e.g. policy developments;
- providing adequate times in the school year for parents to meet with teachers;
- regular communication between the teacher and the parent by notes home, emails or entries in the homework/contact book;
- inviting parents in if the school has concerns.

The school recognises that there may be other parties, e.g. neighbours, who may also express concerns; these concerns are treated as seriously as those expressed by parents.

Concerns that are resolved informally are not complaints and are not recorded as complaints. It may be that a concern that was resolved becomes a complaint at a later date. It is important that there is evidence to show that the school takes prompt action to resolve a concern in its initial stage. The Head Teacher or Deputy Head Teacher must be informed of all concerns so that services can be improved if necessary.

Statutory Requirements.

All academies must have a complaints procedure that meets the standards set out in the Education (Independent School Standards -England) Regulations 2010. This procedure is reviewed regularly. It conforms to Diocesan Guidance and guidance from the EFA issued September 2013.

The complaints procedure **does not** deal with:-

- staff grievances;
- staff discipline;
- staff capability;
- Staff absence owing to sickness.

Third party providers offering community facilities or services through use of the school premises or using school facilities, have their own complaints procedure in place.

Aims

At St. James' we ensure that:-

- the person's concerns have been taken seriously and have been addressed in a fair way
- St. James' RC Primary School – Complaints Policy – 2018/2019

- the resolution reached will enable relationships to be strengthened so that the school and those who use its services can continue to work together.

It is important to the school, that the Gospel values of justice and reconciliation underpin the whole process.

We believe it is important that all people concerned in an investigation are supported. The complainant may feel intimidated by the school as an institution and members of staff who are subjects of complaints may feel vulnerable.

Principles

The formal procedure is determined by the following principles:-

- it is published in the school prospectus, on the school website and is easily accessible to all school users;
- it is non adversarial;
- it is impartial and allows for a fair investigation by an independent person should the complaint reach the final stage;
- it is designed to facilitate a swift handling of complaints with established time limits for keeping people informed of progress;
- it respects confidentiality;
- it shows at each stage how issues are addressed;
- it provides an effective response and appropriate resolution;
- it provides information about persons to whom a concern or complaint is made.

The Complaints Procedure

If concerns have been raised with the subject of the concern and no satisfactory resolution has been reached, then the next stage could be a formal complaint, in which case the following procedure must be applied:-

1. Complaint heard by the Deputy Head Teacher or a member of the Management Team. App. 1(The Head Teacher if the Deputy Head Teacher is the subject of the complaint). If not resolved the complainant must then put the complaint in writing to the Head Teacher (App 2).

2. Complaint heard by the Head Teacher (The Chair of Governors if the Head is the subject of the complaint). The receipt of the complaint will be acknowledged immediately as will the outcome of any investigation.
3. Complaint put in writing to the Chair of Governors who will arrange a meeting of the complaints panel which will comprise two school Governors and one independent member from outside of the local community e.g. a Governor from another school, to hear the complaint. The Chair of Governors will issue a letter inviting the complainant to the hearing and a letter to confirm the panel's decision.
4. Anyone can complain to the Secretary of State if they believe that the Governing Board is acting unreasonably or is failing to carry out its statutory duties. The Education Funding Agency –EFA, representing the Secretary of State will only hear complaints that fall into three areas
 - Where a complaint has been delayed or the academy does not comply with its own complaints procedure.
 - Where the academy is in breach of its funding agreement with the Secretary of State.
 - Where the academy has failed to comply with any other legal obligation.

The intention is to resolve the complaint at the first stage. It is up to the complainant to take the complaint to the next stage.

Recording Complaints

All complaints are recorded in a complaints register kept by the Head Teacher. See Appendix 2 for the complaints form.

As well as keeping a record, the register allows the LMT and the Governing Board to evaluate issues that have arisen, in order to help them improve their quality assurance procedures so that any areas needing attention can be identified.

FORMAL PROCEDURE

Stage 1 Complaint heard by the Deputy Head or a member of the Management Team

1.1 The complaint can be made in writing, telephone or in person and should be addressed to the Deputy Head or Management Team member, who will log the complaint (App. 2) and either investigate the complaint personally or refer it to an appropriate member of staff.

1.2 The DHT will acknowledge receipt of the complaint by replying in writing within five school days giving the name of the member of staff investigating the complaint.

1.3 If the complaint concerns the Head Teacher or a member of the Governing Board it should be referred to the Chair of Governors and the Head Teacher or Governor will be informed. If the complaint concerns the Chair of Governors it should be referred to the Vice Chair and the Chair informed.

1.4 The appropriate member of staff should investigate the complaint (see Appendix 3 for guidelines on investigating complaints).

1.5 The investigation should be completed within ten school days of receiving the complaint. There may be occasions when more time is needed. If this is the case the complainant should be informed immediately and within the ten school days timescale. The complainant should be given the reasons why more time is needed with an approximation of the number of extra days.

1.6 Within three days of the completion of the investigation the investigator will contact the complainant to arrange a meeting

1.7 The purpose of the meeting with the complainant is to ensure them that the investigation has been thorough and fair and to make every effort to reach a resolution. (See Appendix 4 for possible resolution outcomes).

1.8 If a resolution has been reached, the Head Teacher should be informed and a letter confirming this should be sent by the DHT to the complainant.

1.9 If the complaint cannot be resolved the DHT should be informed who will then write to the complainant informing them of their right to refer the complaint to stage 2.

Stage 2 Investigation by the Head Teacher

2.1 If the complaint remains unresolved after stage 1 it will be referred to the Head Teacher unless the complaint concerns the Head Teacher or Governor in which case it will be referred to stage 3.

2.2 The Head Teacher may investigate the complaint personally or appoint a more appropriate senior member of staff or arrange for an independent investigation in which case the complainant should be notified of the name of the person.

2.3 In referring the complaint to this stage it may now contain dissatisfaction at how it was managed in the first stage in which case both parts need to be investigated.

2.4 The complaint will be investigated. (Appendix 3)

2.5 The investigation should be completed within ten school days of the complaint being referred to this stage. There may be occasions when more time is needed and if this is the

case the complainant will be informed immediately and within the ten school days timescale. The complainant will be given reasons why more time is needed with an approximation of the number of extra days.

2.6 Within three days of the completion of the investigation the Head Teacher will contact the complainant to arrange a meeting.

2.7 The purpose of the meeting with the complainant is to ensure them the investigation has been thorough and fair and to make every effort to reach a resolution (see Appendix 5 for possible resolution outcomes).

2.8 If a resolution has been reached a letter confirming this should be sent to the complainant.

2.9 If the complaint cannot be resolved the school will then write to the complainant informing them of their right to refer the complaint to stage 3.

Stage 3 Complaint heard by Governing Board's Complaints Appeal Panel.

3.1 A complaints appeal panel consisting of two Governors and an independent member of the wider community will be convened as required. This enables the panel to be flexible in case some Governors have prior knowledge or involvement.

3.2 The complainant must put the complaint in writing to the Chair of Governors also giving reasons why they have been dissatisfied with the outcomes of the first two stages. The chair will check that the procedures have been followed correctly up to this point and then arrange for a meeting of the governing body complaints appeal panel. If the original complaint concerned the Chair of Governors and was referred to the Vice Chair at stage 1, the Vice Chair will arrange for the panel to meet.

3.3 The date of the meeting should be agreed between all parties within five school days from receipt of the written referral of the complaint to stage 3 and must take place within fifteen school days of receipt.

3.4 The Clerk to the Governors will manage all administration for the meeting.

3.5 If the complainant or Head Teacher wishes to submit information in writing to the meeting it should reach the Clerk at least five school days before the meeting.

3.6 The timescale may be altered with agreement of all parties if the referral to stage 3 comes at the end of term particularly the summer term. It will be in everyone's interest not to delay the meeting to the start of the next term since the aim of the procedure is to resolve issues as soon as possible to effect reconciliation.

3.7 Before the meeting takes place all parties will be given details outlining

The purpose of the meeting*

The conduct of the Meeting*

The order of the meeting*

The role of the Clerk*

The role of the Chair of the panel.*

*(See Appendix 6 The management of the Governing Body complaints Appeal panel meeting)

The Clerk will inform the complainant of the decision reached by the panel within five calendar days of the meeting. The letter should also state this was the final stage of the complaints procedure and there is no further appeal.

Vexatious complaints

If the complainant remains dissatisfied with the outcome of the Complaints Appeal Panel meeting and attempts to reopen the issue the Chair of Governors will inform them in writing that the complaint has been heard according to the published procedures and that the matter is now closed.

'Safeguarding referrals: Schools have a duty to safeguard and promote the welfare of their pupils under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually the Local Authority's children's social care services, if they have an OFFICIAL V4.Sept2015 7 concern about the welfare of a child. It is not for the school to investigate or make a judgment about possible abuse or neglect but they must refer any concerns they may have. As such, any response to or investigation in relation to a complaint about a safeguarding referral made by school staff will be limited to considering whether the appropriate action was taken at the time the referral was made on the basis of the information available to the referrer at that time and in accordance with the safeguarding policy.'

Appendix 1

Head Teacher

Deputy Head Teacher

Management Team representative:-

Mrs. Joanne Richards

Chair of Governors – Mrs. Mary Hutchinson

Appendix 2

Complaint Record Form

(To be used for stages 1 and 2)

Part A RECORD OF COMPLAINT – Please return to..... (The member of staff dealing with the complaint) who will acknowledge receipt and explain what action will be taken.

Your Name:

Pupil's Name:

Your relationship to the pupil:

Address:

Telephone:

Details of the Complaint:

Date Complaint Made:

Action Already Taken to Resolve the Matter:

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

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

Signature:

Date:

Part B ACTION TAKE IN ACCORDANCE WITH THE COMPLAINTS PROCEDURE

Acknowledgement sent:

By whom:

Complaint Investigated by:

Actions (with dates):

Complaint referred to:

Date:

Appendix 3

Guidelines on Investigating Complaints.

It is important to everyone concerned in the complaint that the investigation is impartial, thorough and fair. It is also important that everyone concerned is able to feel they have been listened to and have been able to make their contributions.

The investigating person should:

- establish the exact nature of the complaint (the complainant may need to be contacted if there is any uncertainty. The investigation should not proceed until there is absolute clarity);
- establish what has happened so far and who has been involved;
- clarify what the complainant feels would put things right, clearing up any areas of misunderstanding and identifying ways forward;
- interview those involved in the matter and/or those named in the complaint, ensuring they are aware of the exact details of the complaint and allowing them to be accompanied if they wish;
- conduct all interviews and investigations with an open mind (the appointed person should continue with the investigation until they are sure that they have all the necessary detail to come to a fair conclusion even if it means interviewing people more than once);
- keep full notes with times and dates;
- make sure all information has been collated before arranging the meeting with the complainant;
- seek assistance by means of independent investigators if this is necessary (permission must be obtained from the HT if another person is investigating);
- give a summary of the investigation to the complainant at the meeting called to reach a resolution and give reasons for the decision reached;
- give copies of all notes from the investigation and the meeting with the complainant to the HT.

Appendix 4

Examples of Resolution Outcomes.

Before the investigating person meets with the complainant it is important that she/he is satisfied that the investigation has been impartial, thorough and fair and that the summary explained to the complainant is able to demonstrate this clearly. If an independent investigator has been used for all or part of the investigation it is important to explain the reasons to the complainant.

The complainant should be informed of the decision reached by the investigator giving reasons and evidence as to why the decision was reached. Every effort should be made to reach a resolution at this meeting. Any of the following may be appropriate:

- an acknowledgement that a complaint is valid in whole or in part (if this is the case the investigator should refer to the part of the investigation where the complainant was asked what they feel would put things right);
- an apology;
- an explanation;
- a clarification of misunderstandings;
- an admission that the situation could have been handled differently or better;
- an assurance that, as far as is possible, the event complained of will not happen again.
- an explanation of the steps to be taken to ensure that it will not happen again;
- an undertaking to review the school policies in light of the complaint.

Some of the above may require that the investigator seeks authority from the Head Teacher or, in the case of the Head Teacher investigating, the Governing Body.

The investigator may come to the decision the complaint is unfounded. If this is the case the investigator should ensure that the evidence from the investigation confirms this beyond reasonable doubt. The investigator must be sensitive to the complainant's feelings and should make them aware that they had a right to bring their concerns to the attention of the school and if the complaint arose from a misunderstanding to explain how this might have occurred and clarify the area from which the misunderstanding arose.

Appendix 5

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for part of the hearing in which they give 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.