

ST. ANTHONY'S SCHOOL

Complaints Policy



Written/Reviewed by: Helen Ball

Approved by GB:

Revised: 04/04, 10/05, 10/08, 03/11, 10/16

Displayed: Staffroom & Intranet

Current Version: October 2016

Review cycle: Tri-annual

Contents

Section One: The Policy	Pages 3-7
Section Two: Good Practice Guidance Notes for Headteachers	Pages 8-10
Section Three: Good Practice Guidance Notes for Governors	Pages 11-16
Section Four: Sample Letters for Schools	Pages 16-21

This policy should be read in conjunction with the guidance notes for Headteachers and governors

SECTION ONE

The Policy

Introduction

What is a Complaint?

A complaint is an expression of dissatisfaction, whether made orally or in writing. This policy addresses general complaints. Complaints about the curriculum, collective worship, racist incidents or provision for children with special educational needs are dealt with under separate procedures.

How does the Staged Approach Work?

The staged approach is designed to ensure that every effort is made to deal with complaints **informally at school level** in partnership with the complainant. The formal stages should only be triggered in **exceptional** circumstances:

- Stage 1 is the **informal stage**. In the case of a complaint by a parent, the class teacher will receive the first approach and the majority of issues should be resolved at this stage. In the case of a complaint by a member of the public, the school office should be the first point of contact. A decision will then be made as to which member of staff is best placed to deal with the complaint.
- Stages 2 and 3 are **formal stages** involving the Headteacher and governing body.

This policy is designed to manage all complaints, but complaints vary in their nature and complexity. Therefore, the school will need to consider at which stage a complaint should be dealt with when it is initially raised and which member of staff is best placed to deal with it.

Principles and Procedures

All complaints will be dealt with openly, fairly, promptly and without prejudice

Our procedures for dealing with complaints will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school's senior leadership team so that services can be improved.

Investigating Complaints

It is suggested that at each stage, the person investigating the complaint, makes sure that they:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;

- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

Resolving Complaints

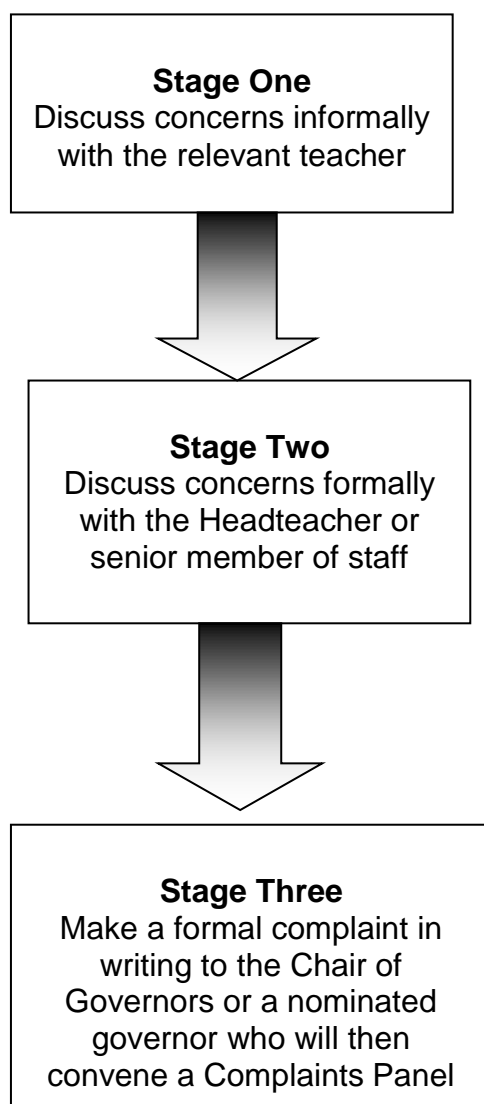
At each stage in the procedure it is important to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

An Overview



Role of the School's Complaint Co-ordinator

The school's Complaints Co-ordinator is Miss Ball. She is responsible for the operation and management of the school complaints procedure and will be able to provide further information on request.

Guidance on the Each Stage of the Procedure

There are three stages to this procedure:

- Stage 1 is **informal**
- Stages 2 and 3 are **formal**

Any person expressing continued dissatisfaction should be advised of the next stage in the procedure.

Stage One: Discuss concerns informally with the relevant teacher.

- Complainants are advised to speak to the teacher concerned so everyone has a clear picture of the situation from all points of view. Most problems can be resolved at this informal stage.
- If the complainant indicates that he/she would have difficulty in discussing a complaint with a particular member of staff, the complaint may be referred to another member of staff. This member of staff may not necessarily be more senior.
- The member of staff who is dealing with the complaint should ensure that the complainant is reassured that the matter will be investigated and is clear what action has been agreed. All staff should be aware of the need for confidentiality.
- A brief record of any telephone calls, meetings and agreed actions should always be kept although it is not always necessary to provide the complainant with a written record at this stage. The Complaints Co-ordinator Teacher should monitor these records.
- If either the complainant or staff member feels the matter needs to be taken further, the Headteacher or a senior member of staff should be contacted.

Stage Two: Discuss concerns formally with the Headteacher or a senior member of staff.

- More serious concerns which remain unresolved at the end of Stage 1 should be referred to the Headteacher or a senior member of staff. He / she will then investigate the matter further. Any meetings that are held with the complainant in relation to the complaint should be arranged within 10 school days. However, more complex complaints may require an extension to this time limit.
- A log of all contacts relating to the complaint should be kept
- The Headteacher or Senior Teacher should communicate the outcome to the complainant either verbally or in writing. Any agreed actions should be put in writing.
- If, as a result of the investigation, issues arise relating to staff discipline or capability, **details should remain confidential to the Headteacher.** However, the complainant should be informed that the school has taken appropriate follow-up action.

Stage Three: Make a formal complaint in writing to the Chair of Governors (or a nominated governor) who will then convene a Complaints Panel.

- Governors should only proceed with this formal stage of the Complaint Procedure if they have received a complaint in writing addressed to the Chair of Governors and **all previous stages have been exhausted.**
- Acknowledgement of the written complaint should normally be sent by the clerk to the governing body within 5 school days.

- It is essential that this process is fair and objective. **To avoid a conflict of interest, it is vital that the full governing body does not hear the complaint at this stage.** Any governor who has been involved with the complaint at an earlier stage would be unable to give objective consideration to the issue.
- It is for the governing body to agree upon the procedures for the Complaint Panel meeting. However, the governing body will usually convene a small panel of 3 or 5 governors who have not previously been involved in the complaint. The panel will usually meet within 15 school days of receiving the complaint.
- The Chair of the panel should notify the Headteacher and the complainant as to whether they will be invited to attend the panel meeting. Alternatively, the panel may decide to consider written material only. Both parties must be treated equally. For example, if the Headteacher is invited to the meeting, so must the complainant.
- If the complaint relates to a staff disciplinary or capability matter about which the Headteacher has already taken action, the governors should focus on how the original complaint was managed to avoid prejudicing any ongoing disciplinary or capability procedures.
- The Headteacher and complainant should be informed of the Panel's decision in writing within 10 school days.
- This is the final stage in the school's Complaints Procedure.

SECTION TWO

Good Practice Guidance Notes for Headteachers

This section should be read in conjunction with the model policy and the guidance notes for governors

What is a Complaint?

A complaint is an expression of dissatisfaction, whether made orally or in writing. It is important to distinguish between differences of opinion (e.g. about policies and procedures in school), the very natural concern of parents and carers for their children and real complaints. The model procedure makes it clear that those in school are usually best placed to help resolve concerns and complaints.

The manner in which complaints are handled is crucial to achieving a successful resolution. Recognition, by all school staff, of parents' sensitivity, and sometimes over-sensitivity, about their child(ren) is very important. At the same time it is essential that all staff are protected from the over-reaction and abusive attitude adopted by a minority of parents when they have grievances. It is, therefore, essential that all staff are aware of the internal procedure for dealing with complaints and that all health and safety considerations are met (e.g. not meeting with parents whilst alone in the building).

Sometimes complaints involve the reporting of racist incidents. It is important that these are addressed promptly and sensitively. The Authority has issued separate guidance on the recording and reporting of racist incidents.

Complaints concerning Child Protection issues should be managed according to the advice given in the County's Child Protection Procedures Manual (red book).

It is recommended that the school ensures that any third party providers offering community facilities or services through the school or on the school premises have their own complaints procedures in place.

Finally, there are no time limits for making a complaint against a school. If your school receives a complaint several years after a pupil has left, it is important to contact Legal Services for advice before responding.

Why do Parents Complain?

Parents and carers may make complaints for a number of reasons, some of which may seem trivial but are important to the complainant. These reasons include:

- Greater government and media emphasis on education causing parents to be more questioning and schools and the LA to be more accountable.
- A litigation conscious society in which there is an expectation that people will fight for their rights, as they perceive them.
- Misunderstandings by stressed and anxious parents.
- Ongoing personal feuds between children and families which can lead to vexatious and frivolous complaints.

Practical Suggestions

- Most schools make it very clear to parents that it is vital to talk about any issues which arise, as and when they happen, rather than store them up until they reach a flashpoint. Parents need to be reminded that their concerns are taken seriously and that staff will always respond by investigating and/or explaining.
- It is very natural to feel defensive and dismayed whenever someone announces that they want to make a complaint, but it's important to remember that if there is a genuine issue, it is better to resolve it immediately rather than allow it to gain momentum.
- Opinions about the school are spread by word of mouth and it is important to be seen to be responsive, making it clear that issues are not 'swept under the carpet'. This can have a huge effect on individual complaints and on the parent's future attitude towards the school.
- Always deal with complaints as quickly as possible. Grievances can fester if left too long without response or explanation.
- Make sure policies and procedures are readily available for parents to read, if required.
- At each stage of the procedure, the person investigating the complaint should make sure they establish what has happened so far, who has been involved, clarify the nature of the complaint and what aspects of the complaint remain unresolved. It is also helpful to clarify what the complainant feels would put things right.
- Keep a log of everything (i.e. copies of letters, dates of incidents, notes of telephone calls etc.) and keep parents informed of progress in investigating their complaint. A follow-up call or informal meeting to confirm that the issue has been resolved satisfactorily is usually worthwhile.
- Whatever the nature of the complaint, in most cases parents will be anxious and a sympathetic hearing can make all the difference, even if the complaint is felt to be unfounded.
- It is possible to let someone know how sorry you are that they are distressed about an issue without admitting any fault, so "I'm sorry you are upset about this" is preferable to "I'm sorry this has happened" until an investigation has taken place.
- If an obvious mistake has been made, a genuine apology, given as soon as possible, will often defuse any anger quickly and effectively. It is important that staff do not see the giving of an apology as a weakness, but rather as an honest response in the belief that we all get things wrong sometimes.
- However time consuming a complaint may be, it usually saves time in the long run to invest time at the beginning. Making sure that the complainant has time to express his/her anxieties, preferably in a quiet place where they can sit down and feel that their complaint is being given full attention, is very important.

- Some complaints are, by their very nature, impossible to resolve. Alternatively, some parents may find it difficult to accept the outcome of the school's investigation. In such cases, it is crucial that the complaints procedure has been followed carefully so this cannot be open to question.
- If the school receives a complaint which may lead to media interest, contact the County Public Relations Manager for advice.

The Role of the Schools Support Team

When dealing with complaints from parents or members of the public, the Schools Support Team has a commitment to:

- Refer the matter back to the school to be dealt with at the appropriate level.
- Offer advice and information to schools, parents and members of the public on regulations and statutory duties as requested.
- Where appropriate, act as a mediator particularly where communication between parties has broken down. This might include forwarding correspondence, helping to arrange meetings etc.
- In the case of complex or vexatious complaints, liaise with Legal Services.
- Officers may also assist with formal complaints, at the invitation of the governors. Complaint Panels meet only rarely and many governing bodies will have little or no experience of the procedure. Schools Support Team officers are available to support governors with this process and their involvement may help to reassure the complainant that everything has been carried out correctly and fairly, even if he / she dislikes the outcome.
- Occasionally, the LA receives letters from local Members of Parliament, councillors or other external agencies about a complaint that has been brought to their attention. In such cases, the Schools Support Team will contact the school to discuss a letter of response.
- In the event that a complainant remains dissatisfied at the end of Stage 3 of the procedures, the Schools Support Team will discuss the implications with the school on an individual basis.

Reporting General Complaints to the Governing Body

The governing body may wish to monitor the level and nature of complaints in order to ensure the effectiveness of school policies and procedures and make changes where necessary. Individuals should not be named in these reports.

SECTION THREE

Good practice guidance notes for School Governors

This section should be read in conjunction with the model policy and the guidance notes for headteachers

Introduction

Section 29 of the Education Act 2002 requires governing bodies to **establish** and **publicise** procedures for dealing with all complaints against the school.

Statutory procedures are already in place for managing complaints about the curriculum, collective worship and provision for pupils with special education needs.

Whilst anxious to ensure that all complainants have a full and fair opportunity to express their concern, the LA is mindful of the fact that all too often parents, carers and members of the public 'leapfrog' the system and take matters to the LA which should be dealt with at school level.

This guidance, together with the model policy and the guidance notes for Headteachers is designed to assist the governing body in the preparation of a school complaints procedure. In particular, the guidance is designed to help governors set up and manage a Governors' Complaint Panel when complaints reach Stage 3 of the procedure.

The Background

Relevant Extracts from 'A Guide to the Law for School Governors'

- As a matter of good practice, governing bodies should draw up procedures for sorting out problems quickly and, as far as possible, locally, and publicise those procedures. Complaints should usually go first to the class teacher and then, if necessary, to the head. If the head cannot sort out the complaint, or is the subject of the complaint, the governing body may receive the complaint.
- In dealing with complaints and in making provision for complaints procedures, the governing body should ensure that the person complaining is given fair treatment and in particular, a chance to state their case. Decisions and reasons for them should be given in writing and the person complaining should be informed at the same time of any rights of appeal they may have if they wish to take the matter further. Timescales should also be set for completing actions so that complaints do not take too long.
- Anyone can complain to the Secretary of State if he or she believes that a governing body is acting 'unreasonably' or is failing to carry out its statutory duties properly. If the Secretary of State considers that the complaint is justified, he can direct the governing body to act appropriately.

The Role of the Governing Body's Complaints Panel

If a complaint remains unresolved at Stage 2 of the Complaints Procedure, the complainant may make a formal complaint in writing to the Chair of Governors (or a nominated governor) who will then convene a Complaints Panel.

Governors should only proceed with this formal stage of the Complaint Procedure if they have received a complaint in writing addressed to the Chair of Governors and **all previous stages have been exhausted.**

If governors have not already done so, it is recommended that advice should be sought from the Education Office

The Complaints Panel should be made up of either three or five governors. The panel should agree who will chair the meeting and should usually meet within 15 school days of receiving the formal complaint.

It is important that the panel meeting is independent and impartial and that it is seen to be so. No governor should sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it. Ideally, the panel should include a cross-section of the categories of governors, and all should be aware of the school's complaints policy and procedures.

The independence and impartiality of the panel meeting is very important. To avoid a serious conflict of interest it is vital that the **full governing body** does not hear a complaint at this stage. For example, if a staff appeal resulted from the decision, an unprejudiced panel of governors

would be required to hear that appeal. Any governor who has been involved with the complaint at a previous stage would be unable to give fair, unbiased consideration to the issue.

If the complaint relates to a staff disciplinary/capability matter about which the Headteacher has already taken action, the governors should focus on how the original complaint was managed to avoid prejudicing any ongoing disciplinary/capability procedure.

A Suggested Procedure

- The LA recommends that a complaints panel should be clerked, with the clerk acting as the point of contact for the complainant. The clerk to the governing body would normally send acknowledgement of a written complaint within five days. The clerk would then arrange for the Governors Complaints Panel to be convened on a date which is convenient to all parties.
- The clerk should ensure that all members of the panel, the Headteacher and the complainant receive copies of all relevant paperwork and the chair may arrange for a summary to be provided if the issue is complex. The chair of the panel should notify the complainant and the Headteacher of whether or not they will be invited to attend the complaint panel in person. Alternatively, the panel may decide to consider written statements only. In this case, any member of staff whose actions are implicated in the letter of complaint should be invited to submit a written statement to the Complaints Panel although they are not obliged to do so. The Headteacher should also submit a written record of any action he/she has taken in relation to the complaint. Ideally, the clerk should collate all the written material and circulate it as advised above at least three days before the panel meets. This will enable governors to prepare questions and discussion points.
- If the complainant is invited to present his/her case in person, notification of the date, time and place of the meeting should be sent not less than five working days in advance, with an explanation of how the meeting will be conducted. The clerk should also notify the complainant that they have the right to be accompanied to the meeting by a friend.
- The Chair should ensure that the meeting is minuted. A decision will need to be made about the confidentiality of these minutes.
- The meeting should clearly demonstrate that the complaint has been taken seriously and an attempt made to resolve the issues though, of course, this may not be possible.
- The complainant and the Headteacher should be informed that the panel will consider its decision and communicate this in writing within 10 working days.
- The Panel should consider the evidence and as a result:
 - a) Reach a decision, if necessary by a majority vote, and give reasons for it. This panel may decide to dismiss or uphold the complaint either in whole or in part.
 - b) Decide on any further appropriate action to resolve the complaint;
 - c) Recommend, if appropriate, changes to school procedures which will ensure that similar problems do not occur in the future;
 - The clerk should write to the complainant giving a full explanation of the decision and the reason for it, indicating any further action to be taken or proposed.

Suggested Procedure for a Complaints Panel Meeting where the Complainant and Headteacher are not invited to attend

- I. Confirm Chair and the procedure.
- II. Chair outlines the complaint and sums up the main issues.
- III. Taking each point raised by the complainant in turn, the panel should consider the school's response to the complaint. They should discuss any written reports submitted to the panel.
- IV. Once all written statements have been considered, the governors should discuss the complaint and reach their conclusions.
- V. The panel should record their decision and their reasons for this.
- VI. The chair / clerk should write to the complainant and Headteacher within 10 working days giving a full explanation of their decision and the reasons for this. If appropriate, the letter may also outline any changes to school procedures and policies as a result of the complaint.

Please note that officers of the Schools Support Team will attend complaints panel meetings on request. The officer's role is to act as an independent observer and/or to offer advice on procedure. The involvement of the officer may also help to reassure the complainant that the procedure has been carried out correctly and fairly, even if he/she dislikes the outcome.

Suggested Procedure for a Complaints Panel Meeting where the Complainant and Headteacher are invited to attend

The panel meeting should be as informal as possible. It is important that all parties have an opportunity to hear what is being said. It is imperative that both the complainant and the Headteacher remain in the room at the same time. If one party leaves, the other should also be asked to do the same.

- I. Confirm chairman and the procedure. Introductions.
- II. Complainant presents case, offering comments in support of their written grounds for complaint.
- III. Governors may ask questions of the complainant.
- IV. Headteacher responds to the complainant's case, offering comment in support of his or her written report. Usually, the Headteacher should attend the panel meeting on behalf of members of staff. However, other members of staff may be invited to attend the meeting to present their case and answer questions.
- V. Governors may ask questions of the Headteacher.
- VI. Headteacher gives final summary.
- VII. Complainant gives final summary.

VIII. Members of the panel, the clerk and, where appropriate, the Schools Support Officer, remain **while all others withdraw** to leave the panel to discuss the matter and to reach their conclusions.

IX. The meeting reconvenes for the Chairman to announce:

- The decision and the reasons for it or
- That it has not been possible to come to a decision at this stage, but the outcome of the complaint will be communicated in writing within ten school days.

The decision of the governing body's complaints panel is final. If the complainant remains dissatisfied with outcome, advice should be sought from the Schools Support Team.

**SECTION FOUR
STANDARD LETTERS AND FORMS**

1 Example of a Complaint Form

If a person wishes to log a formal complaint in writing to either the Headteacher or the governing body, the following form may be used.

Please complete and return to who will acknowledge receipt and explain what action will be taken.

Your name: _____

Pupil's name (if applicable): _____

Your relationship to the pupil (if applicable): _____

Address: _____

_____ Postcode: _____

Day time telephone number: _____ Evening telephone number: _____

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?

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: _____

2. Standard Letters

These letters are provided as a guide only.

Initial Response:

Dear

Thank you for coming to see me about

I can assure you that the matter you have raised will be fully looked into within the school. As you know, we always try to deal with any parental concerns as quickly and thoroughly as possible and I will contact you again by to let you know the outcome.

Thank you again for bringing this matter to my attention.

Yours sincerely,

Response after Head's Investigation:

Dear

Further to our meeting on I have now had an opportunity to look into your concerns. The results of my investigations are:

I hope you are satisfied that the matter has now been dealt with appropriately. If, however, you feel that your concerns have not been fully addressed, you may wish to proceed to the next stage of the School Complaints Policy by writing to the Chair of Governors to ask for the matter to be considered by the Governors' Complaints Panel. If you do wish to proceed in this way, you will need to contact the Chair of Governors within 10 school days of the date of this letter.

Yours sincerely,

Advising Complainant about the Complaints Panel Meeting where Complainant and Headteacher are not invited in person:

Dear

Thank you for your letter dated indicating that you wish to make a formal complaint about School.

I am now writing to advise you that a panel of governors of the school will be meeting to discuss your complaint in order to reach a decision which produces a fair and reasonable outcome in the circumstances. The panel will consist of three governors who have had no prior involvement with the complaint. The governors are (names).

The panel will be discussing in full all the points made in your formal letter of complaint. They will not be able to consider any new issues which have not been made available to the panel prior to the meeting. Please ensure, therefore, that any additional papers that you would like considered at the meeting are sent to me by

May I take this opportunity to assure you that the panel will pay careful attention to both your views and those of the school, and will make every effort to find a mutually acceptable solution to the situation which has led to your complaint.

Yours sincerely,

Advising Complainant about the Complaints Panel Meeting where Complainant and Headteacher are invited in person:

Dear

Thank you for your letter dated indicating that you wish to make a formal complaint about School.

I am now writing to invite you to a meeting with a panel of governors of the school to discuss your complaint and to reach a decision which produces a fair and reasonable outcome in the circumstances. The panel will consist of three governors who have had no prior involvement with the complaint. The three governors are . . . (names). You may wish to bring a friend or relation to the meeting.

The meeting will be held on ...(date)... at ...(time)... at ...(location) *. We shall be discussing in full all the points made in your formal letter of complaint. We will not be able to consider any new issues which have not been made available to all the participants prior to the meeting. Please ensure, therefore, that any additional papers that you would like considered at the meeting are sent to me by You will receive copies of all the papers being considered by the Complaints Panel in due course.

May I take this opportunity to assure you that the panel will pay careful attention to both your views and those of the school, and will make every effort to find a mutually acceptable solution to the situation which has led to your complaint.

Yours sincerely,

*** NB Date should be agreed in advance to ensure it is convenient to all parties**

Model Letter of Notification of Decision Regarding the Complaint Panel Meeting

Dear

Following receipt of your formal letter of complaint concerning I am writing to inform you that the Governors' Complaint Panel met on (date) to consider your complaint. Having considered all the information available, the panel has concluded that

I hope that we can now put this matter behind us and work for the benefit of your child's progress.

Yours sincerely