



St John The Evangelist RCP School

COMPLAINTS POLICY

SECTION 1:

COMPLAINTS POLICY

1.0 Introduction

- 1.1** Governors and staff at St. John the Evangelist RCP School are committed to providing a safe and secure learning environment for all pupils and to apply all policies and strategies fairly to ensure that everyone in school is treated with respect and understanding and in compliance with all legislation and guidance. Specifically, in adopting this policy, account has been taken of the requirements of the Equalities Act.
- 1.2** This Policy, Strategy and Guidelines provides the details of exactly what happens, and what action must be taken and by whom, where a Complaint is made that relates to the school.
- 1.3** The internal school review dates for this document are set out on the front cover of this document. This document has been drafted following recommendations and advice of the Local Authority and the Diocese

2.0 General

- 2.1** This Complaints Procedure ensures that the School can respond to complaints as quickly and effectively as reasonably possible, should a complaint be received. The effectiveness and speed of dealing with any complaint is entirely reliant upon this procedure being followed. The Governing Body ("the Governors", "Governors") and the Head Teacher believe that, if properly followed, the School's complaints procedure will limit the number of complaints, and minimise the likelihood of any complaint being subject to a protracted process.
- 2.2** The Strategy set out in Sections 2, 3, 4, 5 and 6 sets out the procedure(s) as to exactly what will happen when a complaint is submitted and how long the process will take. This Strategy also sets out the procedures that will be applied to unwarranted, unreasonable or vexatious complaints.
- 2.3** The Complaints Procedure will be used to deal with complaints relating to the school and any community facilities or services that the school provides.

- 2.4 The Governing Body will appoint a Clerk for the purpose of recording the minutes for each Complaints Committee.
- 2.5 In this document 'The Complainant' is the term used to refer to the person(s) who has / have submitted the Complaint or raised any issue(s) or concerns.

3.0 Specific Issues

- 3.1 The Governors and Head Teacher value all constructive comments about the school and undertake to address all concerns expressed in any complaint at the earliest stage possible. Separate to this procedure are proforma documents available on the School's Web Site or from the School Office for the submission of any Compliments, Commendations or Comments, these should be sent directly to the Head Teacher. Compliments, Commendations and general Comments received by the Head Teacher are reported to the Governing Body each term.
- 3.2 The formal procedure adopted will only be invoked when initial actions are unable to resolve the complaint or issue(s) that have been raised; where such actions are unsuccessful, and the complainant raising the concern remains dissatisfied, the matter will be referred to the Governing Body's Complaints Committee which is an impartial committee made up of at least three members of the Governing Body. No member of staff who is also a member of the Governing Body will be permitted to sit on this Committee. The Head Teacher attends all meetings of the Complaints Committee, and other staff may also be in attendance.
- 3.3 In the first instance all complaints must be directed to a member of staff, and specifically, where possible, to a pupil's Class Teacher. All teaching staff are required to maintain a diary of any complaints or concerns raised with them by a parent / guardian / carer or other person responsible for a pupil and are required to refer the issue to the most appropriate person. The Head Teacher is always informed of any complaint made.
- 3.4 Should the complaint concern the Head Teacher or a Governor, the complainant must submit their complaint / concern to the Chair of Governors, this must be in written form marked 'Private and Confidential' and submitted to the school office.
- 3.5 Where the complaint is about the Chair of Governors, the complainant should write to the Clerk to the Governors who has

responsibility to convene the Complaints Committee appointed from the Governing Body, and stage three of this procedure will apply. Where this occurs the Chair of Governors may choose to present the evidence for the school. The Clerk may refer to the Local Authority, Governor Support Service or the Diocese for advice and support on any investigation.

4.0 Guidelines for making a Complaint

4.1 When making a complaint the complainant must identify:

- a. The exact nature of their complaint, and name any person(s) involved
- b. The action(s) that they, the complainant, have already taken to resolve the issue(s) that are the subject of the complaint
- c. The desired outcome, that is what actions the complainant feels might resolve the problem / issue(s) at any stage

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

- a. Attitude / behaviour of staff
- b. Teaching and learning
- c. Application of behaviour management systems
- d. Bullying
- e. Provision of extra-curricular activities
- f. The curriculum and collective worship

4.3 Complainants are advised to ensure that they have read any relevant School Policies relating to any issues or concerns that are expressed in their complaint.

4.4 A complaint may be made by an individual or jointly by a group of people. If the complaint is made by a group of people then Governors expect that the group will nominate a representative to speak on behalf of all the complainants. Where a representative is not nominated the Governors reserve the right otherwise to hear all the complainants separately on an individual basis.

4.5 Members of the public not directly linked to the school may make complaints to the school if the school is directly responsible for an issue, for example

- a. Behaviour of pupils during break-times
- b. Health and safety issues relating to the school premises
- c. Behaviour of staff

- 4.6** Complaints made by members of the public are not eligible to be considered by nor do they fall within the jurisdiction of the Secretary of State for Education or Ofsted. Such complaints may only be heard by the Head Teacher and / or the Governing Body.
- 4.7** This procedure cannot be used for a staff grievance or disciplinary procedure.
- 4.8** Legal, safeguarding and / or disciplinary proceedings take precedence over this complaints procedure and any timescales set out herein.

4.9 A complaint referring to any community facilities or services provided by any third party through the use of the school premises or use of the school facilities must be addressed to the third party provider, who is required to have their own complaints procedure. Copies of the complaints procedure for any third party provider are available directly from the provider.

The Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole Governing Body will not normally name individuals. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, any underlying issues that are identified will be addressed. The monitoring and review of complaints by the school and the Governing Body is seen as a useful tool in evaluating a school's performance.

The role of the Local Authority/Diocese in school complaints is prescribed by legislation. Local Management of Schools made schools self-managing and therefore responsible for administering procedures that deal with complaints made against them.

Section 3:

Strategy for dealing with unreasonable complaints

- 1.0 The Governors and the Head Teacher recognise that there may be occasions when, despite all stages of the Complaints Procedure having been followed, a complainant may remain dissatisfied.
- 1.1 A complaint will be regarded as unreasonable where the complainant:
- a. Repeatedly makes the same complaint and refuses to accept the findings of the investigation and decisions made relating to that complaint

- b. Seeks an outcome that is either unrealistic or unachievable
- c. Has a history of making unreasonable and unjustified complaints
- d. Makes frequent, lengthy, complicated and stressful contact with staff regarding the complaint

1.2 A complaint will be considered unreasonable if the complainant or someone on their behalf acts in a manner that:

- a. Is Malicious
- b. Is Aggressive
- c. Uses threats, intimidation or violence
- d. Uses abusive, offensive or discriminatory language
- e. Knowingly makes a statement that is false
- f. Takes the form of an anonymous complaint

1.3 In taking a decision as to whether or not a complaint is unreasonable or that the complainants behaviour is unreasonable, Governors will endeavour not to restrict access to the School's Complaints Procedure unless it is absolutely necessary. In so doing the Governors may take into account:

- a. Warnings/contract for future conduct
- b. Restricting telephone calls to a particular day, time or person
- c. Restrictions on methods of contact (e.g. in writing)
- d. Not acknowledging future correspondence that does not present new information
- e. Temporary suspension of the person's access to the Complaints system

1.4 Where such a decision is taken by Governors the complainant will be informed in writing of any decisions made, action(s) taken or to be taken and how long the restriction(s) will last. Furthermore the complainant will be advised, in writing how to contact the Local Government Ombudsman.

Section 4:

Stage 1 Complaints Procedure

1.0 Stage One: Complaint Heard by Staff Member

- 1.1** Governors and the Head Teacher believe that the vast majority of concerns expressed and that relate to school can be resolved informally. Experience suggests that the majority of concerns can be resolved by the class teacher, or the Head Teacher and / or Deputy Head Teacher or Assistant Head Teacher, or a Member of Business / Administration staff, all of whom are encouraged to resolve any concern expressed to them promptly. All members of staff are required to make a diary record of the complaint/concern, and to record the actions they took. Governors and the Head Teacher believe that it is in everyone's best interests that complaints and concerns are resolved at the earliest possible stage. Nevertheless Governors and the Head Teacher recognise that 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. Written complaints may make the use of the form at Appendix 1.
- 1.2** The member of staff who is the first contact point for the complainant is expected to clarify the nature of the concern and re-assure the complainant that the school wants to hear about the concerns / issue(s). All staff are aware that, as the first point of contact for receipt of a complaint, they are required to act promptly and to determine whether they are the most appropriate person to resolve the complaint, or whether the matter should be referred to another, more senior member of staff. The Head Teacher is responsible for co-ordinating all complaints and staff are required to advise the Head Teacher of all complaints they receive.
- 1.3** Governors and the Head Teacher and all staff respect the views of any complainant and where they express a difficulty in discussing their complaint with a particular member of staff the Head Teacher may decide to refer the complainant to another member of staff. Should this occur the Head Teacher will advise the member of staff who is no longer to deal with the complaint the precise reasons for the complainant not wishing for their complaint to be dealt with by a particular member of staff, and at his/her discretion may ask the complainant to be present when explaining those reasons to the member of staff.

- 1.4 Where the complaint concerns the Head Teacher, the matter will be referred to the Chair of Governors; referrals will be dealt with by another member of the School's Senior Leadership Team.
- 1.5 Where the concern involves any child protection issue, the Head Teacher will inform the Local Authority Social Care Team and / or the Local Authority Designated Officer (LADO).
- 1.6 Where a member of staff directly involved in the complaint feels their position is compromised should they deal with the complaint, the Head Teacher will refer the complainant to another staff member.
- 1.7 Once a Stage 1 complaint has been investigated the complainant will be advised of the outcome by the Head Teacher. The Head Teacher may advise the complainant of the outcome of the decision verbally, but will also confirm the details in writing.
- 1.8 The complaint will be acknowledged within 5 school days (based on a school term, and excludes school holiday periods), acknowledgement may be verbal or in writing, and may be undertaken by Email. All Stage 1 Complaints will be investigated and responded to with an outcome within 10 school days of receipt of the complaint. The complainant, when advised of the outcome of the investigation, will receive written advice as to the next stage of the procedure should they remain dissatisfied with the response / outcome.
- 1.9 Where a Complainant remains dissatisfied with the outcome of the investigation into their complaint they must write to the Head Teacher or Assistant Heads within 10 school days requesting that their complaint be investigated in accordance with Stage 2 of the Complaints Procedure.

Section 5:

Stage 2 Complaints Procedure

1.0 Stage Two: Complaint Heard by Head Teacher

- 1.1 Parents and pupils should be advised of their right to make complaints. Complaints should be made either in writing or by arrangement of an appointment with the Head Teacher. The complainant may choose to use the attached complaints form (see appendix 1). If the complaint is about the Head Teacher, the Chair of Governors should deal with the matter using this procedure. If the complainant has difficulty expressing

themselves in writing, they should be informed where they can get independent assistance.

- 1.2** The Head Teacher may delegate the task of collating the information regarding the complaint to another staff member; however the decision on the action(s) to be taken are at the sole discretion of the Head Teacher who may not delegate such a decision. The person delegated to investigate the complaint will be provided with clear instructions as to the nature of the complaint and any desired outcome that has been expressed. The Head Teacher will impose a time limit on the collation of information and/or investigation being made.
- 1.3** The Head Teacher will contact the complainant and provide an opportunity for the complainant to meet with him/her to discuss their concerns and find potential solutions. This may also occur by phone, however a meeting will always be offered. If a meeting is arranged the Head Teacher will ask another member of staff present to observe and record the meeting and promote staff safety. A record of what is discussed at the meeting, and specifically the complaint and any agreed outcomes, will be made. The complainant will be advised that if they wish to they may bring a friend, family member or advocate to any meeting, and should interpreting services be required the complainant must advise the Head Teacher of their wish to have an interpreter present. The Head Teacher will arrange for an interpreter to be present where such a service is requested. Care will always be taken to ensure that the presence of any other parties to the meeting does not create an intimidating atmosphere for all those attending the meeting.
- 1.4** Should it be necessary to interview pupils as part of the investigation, this will be undertaken in the presence of at least two members of staff, or in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of the pupil's parents.
- 1.5** Written notes are kept by the Head Teacher of all communications with regard to the complaint and its investigation. These notes are retained securely and in accordance with the Data Protection Act.
- 1.6** Under Stage 2 of the Complaints Procedure the complaint will be acknowledged within 5 school days of receipt of the written confirmation that the complaint is to go to Stage 2 and will be investigated and a written response provided within 10 school days; with the exception of any complaint that is complicated

and normally where, to allow for a full investigation to be carried out, an extension of a further 10 school days may be granted.

Any extension is at the sole discretion of the Head Teacher. Where it is deemed necessary to apply an extension to the investigation period this will be communicated in writing to the complainant.

- 1.7 The complainant will be advised in writing of the outcome of the Stage 2 investigation and decision and will be informed of their right to take the complaint to Stage 3 should they remain dissatisfied with the outcome.

Section 6:

Stage 3 Complaints Procedure

1.0 Stage Three: Complaint Heard by Governing Body's Complaints Committee

- 1.1 Where a complainant remains dissatisfied with the outcome of a complaint following the Stage Two procedure, they must express their dissatisfaction in writing to the Chair of Governors. This letter should be marked 'Private and Confidential' and should be handed in to the School Office. Such a letter must be submitted within 10 school days of receipt of the written decision notice of the stage two investigation. It may also include details set out in the form at Appendix 1.
- 1.2 The Chair of Governors will initially check that the complaint has been dealt with under the Stage Two procedure, and that the complaint is covered by the school's complaints procedure rather than other procedures e.g. personnel or child protection. If the complaint has not been processed correctly using the Stage Two procedure the Chair of Governors will refer the Complaint to the Head Teacher to commence the Stage Two procedure AND will write to the Complainant advising them of the correct procedures.
- 1.3 Upon receipt of a letter notifying that the complainant is not satisfied with the outcome of a Stage Two investigation, the Chair of Governors will provide a written acknowledgment to the complainant, confirming receipt of the complaint.
- 1.4 The Chair of Governors may take a decision and offer mediation as a means of resolving the complaint at this stage. Mediation may be facilitated by the Chair of Governors or, if the Chair deems it more appropriate, an external agency may be used;

external agencies include organisations such as Parent Partnership, Bully Free-zone or professional mediation services. Not all complaints are suited to mediation and the Chair of Governors will use his/her discretion as to whether mediation is offered or whether the complaint will automatically be dealt with under the Stage 3 procedure.

- 1.5** Should the matter not be resolved through mediation the Chair of Governors' will arrange for the Complaints Committee to be convened. A letter will be issued by the Chair of Governors that explains to the complainant that they have the right to submit any further documents or information relevant to the complaint. A deadline for submission of these documents will be given, which will be at least 5 school days before the hearing.
- 1.6** The Governing Body will appoint a Clerk to the Governors Complaints Committee and the Clerk will convene the Committee appointed from the Governing Body. The Committee should comprise of 3 or 5 governors who have no previous involvement with the complaint, of which one will assume the role of Chair for the Committee. The Committee has delegated powers to hear complaints at this stage on behalf of the Governing Body. A complaint is never heard by the entire governing body as this would compromise the probity and impartiality of any subsequent actions to be taken by Governors that arises from a decision of the Complaints Committee.
- 1.7** The Head Teacher will be invited to submit a written report for the Committee; this may include a copy of the Stage Two response. The Head Teacher will attend the Committee and may invite members of staff directly involved in matters raised by the Complainant to respond personally or in writing. The Complaints Committee will take a decision as to whether any other person(s) should attend the Committee to provide any evidence or submissions.
- 1.8** The Complaints Committee will set a timetable for the hearing and will notify the complainant in writing. The hearing will be heard within 20 school days of receiving the letter requesting that the complaint is referred to the Stage 3 procedure.
- 1.9** Stage 3 Committee meetings will always be clerked by a person who is not a Governor or a member of staff and is independent from the details of the complaint. The Clerk is the contact point for the complainant and will:

- a. set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- b. collate any written material and send it to the parties in advance of the hearing;
- c. welcome the parties as they arrive to the hearing;
- d. record the proceedings;
- e. notify all parties of the Committee's decision.

1.9 The Clerk will write to inform the committee, Head Teacher, complainant and any relevant witnesses of the date and time of the hearing, giving a minimum of 5 clear days notice. All documents submitted will be circulated to the Committee, the Head Teacher and the complainant. The Complainant will be notified of their right to have a friend, family member, advocate or interpreter present should they wish. The Chair of Governors ensures that minutes, are taken at the complaints committee meeting and that these comply with the school's arrangements for governance / reporting.

1.10 The Governors who form each Complaints Committee are open-minded and independent, and have no prior knowledge of the complaint. The purpose of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant. On occasions, it may only be possible to establish the facts and make recommendations that satisfy the complainant that their concern has been taken seriously.

1.11 The decision of the Complaints Committee is final, the Committee has delegated authority from the Governing Body to hear and make decisions about the complaint.

1.12 The hearing will be held in private. Any witnesses (other than the complainant and the Head Teacher) will only attend for the part of the hearing in which they give evidence. At no point will the Head Teacher or the complainant be left alone with the Complaints Committee, the Clerk or another person will always be present.

1.13 The Governors will be aware that the complainant may not be familiar with the conduct of formal meetings and may feel inhibited in addressing the Committee. The Chair of the Committee will ensure that each stage of the proceedings is clearly explained to the complainant and as far as is reasonably practicable the proceedings remain as informal as possible. This will be of greatest importance where the complainant is a child.

1.14 Where either party wishes to introduce new information at the meeting, this will be permitted, however the Committee will then adjourn to allow the other party / ies to review and respond to this information.

1.15 The meeting will allow for

- a. The complainant to explain their complaint and the Head Teacher to explain the school's response
- b. Witnesses to be brought by the complainant or the Head Teacher
- c. The Head Teacher and the complainant to ask questions of each other and any witnesses
- d. The committee to ask questions of the complainant, Head Teacher and any witnesses
- e. The complainant and the Head Teacher to summarise their position

1.17 The Chair of the Committee will ensure that:

- a. Everyone presenting information / evidence receives a balanced opportunity to present their details and not to be interrupted
- b. Everyone wishing to speak has an opportunity to do so in turn
- c. The Complainant and Head Teacher are thanked for their attendance and requested to leave the meeting while the Committee considers its decision

1.18 The Complaints Committee will decide whether to:

- a. Dismiss the complaint in whole or part; or
- b. Uphold the complaint in whole or part; and / or to
- c. Approve any appropriate action to be taken to resolve the complaint; and / or
- d. Where appropriate, recommend to the Governing Body what action can be taken to prevent similar difficulties in the future.

1.19 A written response detailing the decisions, recommendations and the basis on which these have been made will be sent to the complainant and the Head Teacher within 5 school days of the meeting.

1.20 The school will retain a copy of all correspondence and records of meetings in accordance with current retention guidelines.

1.21 Should the complaint remain unresolved and should the complainant feel that the school has behaved unreasonably about his/her concerns, they may write to the Secretary of State for Education:

**The Secretary of State
Department for Education
Sanctuary Buildings**

**Great Smith Street
London
SW1P 3BT**

- 1.22 Ofsted may consider a complaint if the complaint affects the school as a whole. For example:
- a. The school is not providing a good enough education
 - b. The pupils are not achieving as much as they should, or their different needs are not being met
 - c. The school is not well led and managed, or is wasting money
 - d. The pupils' personal development and wellbeing are being neglected

Ofsted can be contacted on:
08456 404045
or by email at:
enquiries@ofsted.gov.uk

Appendix 1- Complaint Form

Please complete and return to Mrs Jackson (Headteacher) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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: