

St Augustine's Catholic Primary School



Complaints Procedure

St Augustine's School Dealing with Complaints Procedure

Catholic schools aim to be places where love of one's neighbour is obvious at all times. Christ said to His disciples at the Last Supper "This is my commandment, that you love one another, as I have loved you."

Catholic Schools are staffed by teachers who are not only qualified and expert in their own field but who also, having freely chosen to become teachers in a Catholic institution, commit themselves to care for and help children in every way possible consistent with the Catholic doctrine, principles and the Catholic ethos of the School. Nevertheless, as in any organisation, parents may from time to time raise a concern. Concerns or complaints may also be raised by members of the local community or the general public.

At St Augustine's:

We live, love and learn together in the light of the life of Christ.

1. The difference between a concern and a complaint.

A 'concern' may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'. A complaint may be generally defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

It is in everyone's interest that complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to invoke formal procedures. The School will take informal concerns seriously and make every effort to resolve the matter as quickly as possible.

There are occasions when complainants would like to raise their concerns formally. In those cases, the school's formal procedure should be invoked through the stages outlined within this procedure¹.

Effort will be made to identify any improvements that can be made in the future following matters raised through concerns or complaints.

2. Principles informing our Complaints Procedure

This procedure is designed to:

- be well publicised and easily accessible
- be simple to understand and use
- be impartial
- be non-adversarial
- allow prompt handling with established time limits for action and keeping people informed of the progress
- allow for a mediation process, where appropriate and if agreed by the complainant
- allow for a hearing by a Panel of Governors, where appropriate

¹ Department of Education Best Practice Advice for School Complaints Procedures 2016

- respect people's desire for confidentiality, wherever possible
- address all points of issue raised
- provide an effective response and appropriate redress where necessary
- provide information to the school's leadership team so that provision and/or services can be improved

3. Dealing with concerns at the earliest opportunity

3.1 This is the informal stage in the complaint's procedure

When parents, pupils or members of the public have concerns they should: discuss their concerns with the member of staff most directly involved and, if not satisfied discuss their concerns with a senior member of staff.

We expect the majority of concerns will be resolved in this way (and not recorded as a formal complaint). However, if not, the following formal procedure will be followed.

3.2 Stage one of the formal process.

Discuss their concerns with the Head teacher. The Head teacher will seek to resolve the complaint typically through discussion with the complainant and investigating the complaint. (Where relevant, this will be done with reference to the Diocesan document "Guidelines for the Implementation of the Model Complaints Procedure".) This discussion will be held as soon as practicable and normally within 5 school days of receipt of the complaint.

At each stage in the procedure, schools will be mindful of ways in which a concern or complaint can be resolved. It might be sufficient to acknowledge that the concern or 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 steps will be taken to ensure the event 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

Complainants should be encouraged to state what actions they consider will 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. Equally, an effective procedure will identify areas of agreement between the parties. It is important to clarify any misunderstandings which might have arisen

as this can create a positive atmosphere in which to discuss any outstanding issues.

Only where all these avenues have been tried and found unsatisfactory should the complainant take a complaint to the Chair of Governors.

If the Head teacher considers s/he can do no more to resolve the complaint it should be stated explicitly that the complainant can write to the Chair of Governors if not satisfied. Complainants should be encouraged to take this step.

If the complaint is about the Head teacher and the complainant does not feel able to raise it with the Head teacher directly, the complainant should submit the complaint directly through the second formal stage to the Chair of Governors.

4. Making a Complaint to the Governing Board

This is the second formal stage

- 4.1 Where informal attempts have been unsuccessful in resolving a complaint, the complainant should write to the Chair of Governors at the school address. The envelope should be marked 'FOR IMMEDIATE ATTENTION "PRIVATE AND CONFIDENTIAL"' and staff in the school office must ensure that the letter is forwarded to the Chair of Governors without delay.
- 4.2 The complainant will be asked to complete a complaint form (appendix 1) if they have not already done so**. The Chair of Governors or Clerk will offer to help an individual to complete the form if appropriate.** *If the complainant has provided a detailed written letter explaining the issues surrounding their complaint the Chair may make the decision to accept this instead of asking for a complaint form to be completed and the information duplicated.*
- 4.3 On receipt of the complaint form, the Chair of Governors (or other nominated Governor) will:
 - clarify the nature of the complaint and what remains unresolved
 - meet with the complainant or contact them
 - clarify what the complainant considers would resolve the matter
- 4.4 The Chair of Governors will decide whether the complaint should be referred to the Governors' Complaints Panel or whether a mediation stage should be offered.

Mediation can only proceed if the Complainant and the Head teacher are willing to undertake this course of action. Should a resolution not be agreed at this

stage and/or mediation be unsuccessful, the complaint will be referred for consideration by the Governors' Complaints Panel.

4.5 **Mediation**

Mediation can be an effective means by which to resolve a complaint:

- It gives both the complainant and the Head teacher a further opportunity to hear each other's points of view (with a third party facilitating).
- It gives the third party an opportunity to help the Head teacher and Complainant identify and build on areas of agreement.
- It gives the Head teacher and the Complainant a structure within which to resolve remaining differences.
- As and when the complainant and the Head teacher emerge from the mediation satisfied, this is the best foundation for a continuing positive relationship.
- Should the complaint continue and be referred to a Governors' Panel, the issues to be considered are likely to be clearer following mediation.

4.6 Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgement that the complaint is valid in whole or in part
- an apology
- an explanation
- an admission that the situation could have been managed differently or better
- an assurance that the event will not recur
- an explanation of the steps which have been taken to ensure that it will not happen again
- an undertaking to review school policies in light of the complaint

5. Governors' Complaints Panel

This is the third formal stage

5.1 Where the complainant after Stage 2 remains unresolved and the complainant believes the complaint is not satisfied that their complaint has been dealt with fully and properly, they may choose to take it to a Panel of Governors.

5.2 Establishing a Complaints Panel

The Clerk will liaise with the Diocesan Education Service for guidance and will then convene a Governing Body Complaints Appeal Panel.

Individual complaints will not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up under any other procedure.

The decision about the membership of a particular Panel will depend on factors such as availability, whether any Governors have prior knowledge, and any vested interest. It is very important that the panel is impartial. The decision as to the composition of the Panel will be made by the Chair of Governors and may consist of between three and five members of the Governing Body. Neither the Headteacher nor the Chair of Governors should be a member of this panel. The panel should elect their own chair.

The panel may have the assistance of an advisor e.g. from the Diocesan Education Service to advise on procedure.

5.3 When the Clerk of Governors receives a copy of the complaint form s/he will inform the Chair of the Governing Board that a complaint has been received and that it has been passed to the Panel to deal with. **No further information about the complaint should be shared with other Governors.**

Both parties should be invited to submit relevant documentation in time to be circulated seven days before any appeal hearing or formal consideration by the Governors' Complaints Panel.

5.4 There are several points which any Governor sitting on a Complaints Panel needs to remember:

- It is important that the appeal hearing is independent, transparent and impartial.
- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant.

- The Panel Chair will ensure that the proceedings are welcoming and as informal as possible. The layout of the room will set the tone and care is needed to ensure the setting is not intimidating and not adversarial.

5.5 Remit of the panel – the Complaints 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 problems of a similar nature do not recur.

5.6 It may:

- Consider and criticise the way in which an operational decision was communicated – **but cannot overturn the decision itself.**
- Consider the thoroughness with which the Head teacher investigated a complaint about a member of staff – **but cannot expect the Head teacher to provide details about confidential discussions with the staff member or other procedures that may need to have been deployed.**
- Consider the manner in which a complaint about any decision was addressed.
- Consider and identify limitations in a policy or procedures – but cannot make or improve policy. It can, however, recommend that the policy be reviewed by the Governing Board.
- Consider whether Governors need to decide whether there is a resolution to the situation to give satisfaction to the parents and/or child and ensure that the situation does not occur again in the future.

5.7 Format of a Panel Hearing

- The Complainant (and supporter) and Head teacher (and representative) will enter the room where the hearing is taking place together.
- The chair will introduce the panel members and the clerk and outline the process.
- The complainant is invited to explain the complaint.
- The Head teacher may question the complainant.
- The panel will question the complainant.

- The Head teacher is then invited to explain the school's actions.
- The complainant may question the Head teacher.
- The panel will question the Head teacher.
- The complainant is then invited to sum up their complaint, focussing on unresolved matters and any proposals for resolution.
- The Head teacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within three working days.
- Both parties leave together while the panel meets by themselves to decide on the outcome.
- The clerk will remain with the panel to clarify any issues.

5.8 The hearing should be made as unthreatening as possible to all parties.

The panel may ask questions at any point. Panel members must find ways to ask probing questions while maintaining impartiality and not becoming adversarial.

The Head teacher must have no contact with members of the governors' complaints panel except when the complainant is present to preserve the principle of neutrality. This means that Head teacher and complainant enter and leave the room where the hearing is held together.

The chair of the panel should discourage the introduction of fresh documentary evidence at the hearing — there should be every encouragement to produce the evidence in advance in writing so that both sides have time to review it prior to the hearing.

However, if new and relevant evidence is accepted by the chair, the chair will adjourn the hearing for a few minutes to allow everyone to read the document. Both parties must leave the hearing room during the adjournment.

5.9 Some notes on exceptional circumstances

For the sake of clarity, the description above does not cover exceptional circumstances which might include:

The chair of governors may not be able to find three governors who have no prior knowledge of the case.

If a case has become a major talking point around the community, the chair can nominate three governors with minimal prior knowledge and/or seek governors from another Catholic school in the Diocese to serve on the governor's complaints panel.

If there are still insufficient governors able to sit on a panel, the Governing Board in consultation with the Diocesan Education Service will put in place an alternative fair process.

A complaint to the governors' complaints panel will never be against a junior member of staff (it may be against the way the Head teacher handled a complaint against a junior member of staff) but it is conceivable that the Deputy Head teacher or other senior management team member will appropriately stand in for the Head teacher. That would need to be considered very carefully but if agreed the member of the senior management team would be 'the Head teacher' for the purpose of the panel.

There may be exceptional circumstances in which the complaint is against the chair of governors — e.g. for refusing to deal with a complaint according to the procedure. In those circumstances the procedure above would be adapted and every reference to 'Head teacher' would be read as 'chair of governors'.

If both the head teacher / governing board and the parent / guardian agree, then any stage in this complaints procedure may be bypassed when it is deemed appropriate.

5.10 Outcome of the hearing

Following the end of the hearing the Clerk will ensure that the Panel's decision regarding each of the issues is clearly communicated to all parties in an outcome letter. This will be sent within 5 working days of the end of the hearing. The letter will set out the reasons for the decision(s) made by the Panel.

The Clerk will ensure that the outcome letter adheres to the facts and demonstrates impartiality.

In case the complainant is not satisfied that the complaints procedures were conducted properly and fairly, the letter will advise that there is a further Right of Review of the Conduct of the Procedure (see cl 7 below).

6. Monitoring Complaints

The number of formal complaints received will be reported to the Full Governing Body on a termly basis. As well as addressing an individual's complaint, the process of listening to and resolving complaints contributes to school improvement. When individual complaints are heard, the school will identify issues that need to be addressed.

The monitoring and review of complaints by the School and Governing Board can be useful in evaluating the school's performance. Any discussion of complaints by the

Governing Board or others in the school community should not name or be able to identify individuals.

The flowchart as set out in Appendix 1 summarises the complaints process (though where there is any perceived discrepancy, this Policy takes precedent).

7. Right of Review of the Conduct of the Procedure

In case the complainant is not satisfied that the complaints procedures were conducted properly and fairly, the outcome letter containing the governor's complaints panel's decision will explain that there is a further right to request an investigation into the application of due process by applying to the Director of Schools at the Birmingham Diocesan Education Service, and providing the address. The letter to the complainant must explain that such a request must be made within 10 school days of the Appeal Panel hearing.

This stage is essentially a review of the conduct of the school based parts of the procedure. It cannot reverse any judgements of the school. It would however involve some examination of the context of the complaint to establish whether or not the school had conducted the procedure and come to its judgements in a reasonable way.

A copy of the report will be sent to the complainant, the Headteacher, the chair of the complaints panel and the chair of governors.

The report from the Diocesan Education Service may give recommendations to the school governing body.

8. Escalation to the Secretary of State for Education

For most complaints, you **cannot** take your complaint to the Local Authority. The Local Authority cannot investigate school matters on a parent's behalf, nor can it review how the school has dealt with your complaint.

However, if you feel that the school has acted unreasonably or not followed the correct procedure, you can write to the Secretary of State for Education: <http://www.education.gov.uk/help/contactus/df>

If a complaint has completed the above procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State for Education. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

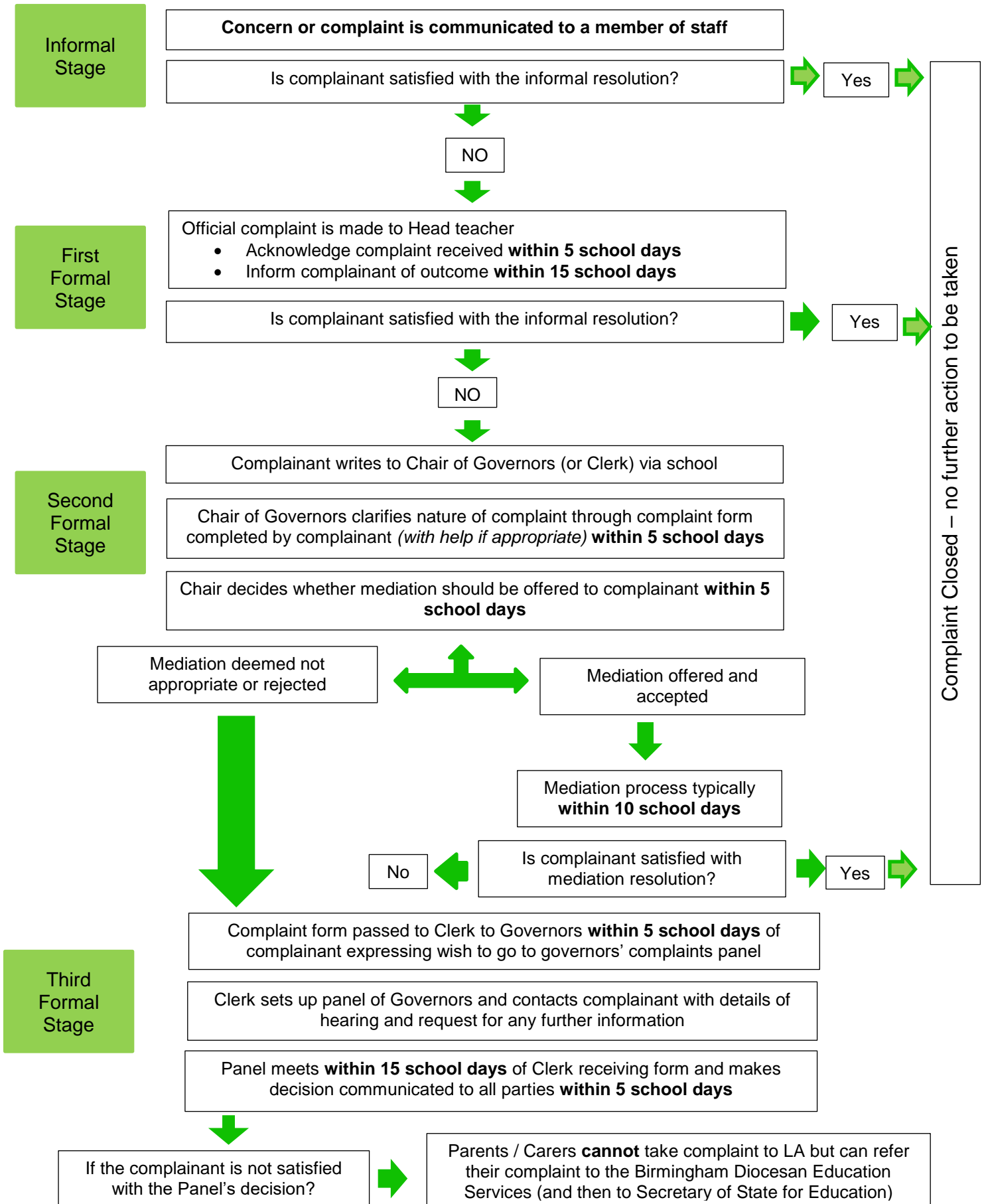
The School Complaints Unit (SCU) considers complaints relating to local authority maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with her powers under sections 496 and 497 of the Education Act 1996.

Approved by the Full Governing Body at its meeting held on
18 November 2017

Complaints Process from Start to Finish





STRICTLY CONFIDENTIAL

St Augustine's Catholic Primary School Formal Complaint Form

(Please complete and return to Chair of Governors via the School Office as set out in section 4 of the Complaints Procedure).

Your Name:	
Address:	
Daytime telephone number:	
Evening telephone number:	
If applicable, name of child(ren) at school:	
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?)	
Your relationship to the school, e.g. parent, carer, neighbour, member of the public:	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details:	