



Sheffield Catholic Schools Partnership Complaints Policy & Procedure

Sheffield
Catholic
Schools
Partnership



St Marie's School, A Catholic Voluntary Academy

St Marie's Vision Statement

Through working together, loving each other and always doing our best. At St Marie's we will all become the amazing, unique individuals God wants us to be.

'Jesus is always our friend'



St Marie's Mission Statement

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INTRODUCTION

The School Standards and Framework Act 1998 (and subsequent amendments) and the Education (Independent School Standards) (England) Regulations 2010 place a duty on all Governing Bodies to establish a complaints procedure for parents/carers to make complaints about all matters related to the school that are not covered under other statutory procedures. In addition, there may be circumstances in which they may complain or appeal if they consider that their rights have been ignored, a wrong decision taken or if their child is not being properly taught.

Complaints are not always easy to define. It is therefore important to keep in mind a distinction between concerns, problems and complaints. They can often arise from the consequences or perceived consequences of resource allocations, operational difficulties, working practices or individual actions.

Underlying Principles

Complainants will be treated seriously and courteously and given the time they require to be heard. It is important to the school that the complainants have confidence in these procedures and know that their cases will be impartially investigated. Complainants should be assured of the confidentiality of the procedures.

Complainants will be advised at the earliest possible stage of:

1. the scope, if any, for pursuing the complaint and the extent of the procedure for dealing with it; and
2. the way in which the complaint is likely to be handled.

Where there are established statutory or other procedures for dealing with a complaint, these will be followed. These procedures do not cover those matters already provided for such as:

- admissions to schools
- special educational provision (SEND Tribunal) See SEND policy
- matters concerned with the curriculum
- child protection issues
- exclusions
- school reorganisation
- serious complaints against staff
- public examinations

It may be the case that action taken under the complaints procedure may lead to further action being initiated under other procedures, including statutory procedures. In these cases, the investigations under the complaints procedure will be suspended until action under the procedure (including appeals) has been concluded.

In these circumstances the complainant will be advised that alternative action is being taken and that this will remain confidential until the procedure has been completed. The complainant will also be told there is likely to be a delay in the final resolution of their complaint as a result.

Definition of a Complaint

For schools, a complaint within the terms of the procedures described here is an expression of dissatisfaction verbally or in writing by parents/carers of children who attend the school. All complaints from parents/carers of children who attend the school will be investigated as such. After initial investigation of the complaint, a decision might be made to use the discipline, capability (or other appropriate) procedure against a member of staff. Anonymous complaints will not be considered under this procedure. This procedure outlines the **informal** and **formal** stages by which a complaint may be made against the school. At all stages the aim of the policy is to reach a mutual understanding of the problems so that improvements can be made where necessary.

Where agreement cannot be reached, the aim of the procedure is to ensure that all parties are treated fairly. Conciliation between school and the parents/carers can be considered at any time, within the informal or formal stages.

1. STAGE ONE (DEALING WITH CONCERNS AND COMPLAINTS INFORMALLY)

1.1 GUIDELINES

- 1.1.1 It is hoped that all complaints and concerns can be resolved as early and informally as possible. Parents/carers need not only to be listened to but also to feel that they have been listened to.
- 1.1.2 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved immediately through the class teacher, school support staff or the Head Teacher, depending on whom the parents first approach. Parents must feel able to raise concerns with members of staff without any formality, in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent. At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent/carer may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

1.2 PROCEDURES

- 1.2.1 Parents/carers will be given an opportunity to discuss their concern with the appropriate member of staff who will clarify the nature of the concern and reassure them that the school wants to hear about it. The member of staff may explain to the parents/carers how the situation arose. It may be helpful to identify at this point what sort of outcome the parent/carer is looking for.
- 1.2.2 The member of staff will need to respond appropriately, taking into account the seriousness of the complaint. In many cases the appropriate member of staff can resolve the matter immediately.
- 1.2.3 If the member of staff first contacted cannot deal immediately with the matter, they will make a clear note of the date, the name, and contact address or telephone number of the complainant. The Head Teacher will be given a copy.
- 1.2.4 The member of staff dealing with the concern or complaint will make sure that the parent/carer is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing if this seems the best way of making things clear.
- 1.2.5 Where no satisfactory solution has been found **within 10 school working days**, parents/carers should be given clear information, both orally and in writing, about how to proceed with their complaint and about any independent advice available to them.

2. STAGE TWO (REFERRAL TO THE HEADTEACHER FOR FORMAL INVESTIGATION)

2.1 GUIDELINES

- 2.1.1 By now it will have become clear that the concern is a definite complaint. In some cases the Headteacher will already have been involved in looking at the matter; in others it will be their first involvement. In either case, it will be helpful for the Head Teacher (or member of staff designated to investigate) to use these

guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.

- 2.1.2 As Headteachers have responsibility for the day-to-day running of their schools, they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at the various stages. One of the reasons for having the various 'stages' in a complaints procedure is to reassure complainants that more than one person is hearing their complaint.
- 2.1.3 The Headteacher will make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example, arrangements may be made for other staff to deal with parents/carers concerns at Stage 1, while the Head Teacher deals with contacts with parents/carers at Stage 2. Even at that stage the Head Teacher may designate another member of staff to collect some of the information from the various parties involved.

2.2 PROCEDURES

- 2.2.1 Complaints should normally be in a written format. In exceptional cases the school will consider progressing an oral complaint where there are sufficient grounds to do so. The Head Teacher (or designated member of staff) will acknowledge the complaint orally or in writing **within 5 school working days** of receiving the written complaint.
- 2.2.2 Schools should be sensitive to the needs of the parent/carer who may have literacy difficulties or for whom English is not their first language.
- 2.2.3 The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This will normally be **within 10 school working days**; if this proves unworkable, a letter will be sent explaining the reason for the delay and giving a revised target date.
- 2.2.4 It may be possible even at this stage to resolve the complaint informally. This would not compromise the complainant's right to move to more formal procedures at any time.
- 2.2.5
- 2.2.5 The Head Teacher will provide an opportunity for the complainant to meet him or her to supplement any information provided previously. It will be made clear to the complainant that if they wish, they may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf; and that interpreting facilities will be available if needed.
- 2.2.6 If necessary, the Head Teacher will interview witnesses and take statements from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. In these circumstances, a member of staff with whom the pupil feels comfortable will be asked to attend the interview. In certain circumstances and taking into account the nature of the complaint, it may be appropriate to invite a parent/carer to be present when the Head Teacher interviews a pupil. The Head Teacher will keep written records of meetings, telephone conversations and other contacts.

- 2.2.7 Once all the relevant facts have been established, the Head Teacher will produce a written response to the complainant, and/or may wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. If any action is to be taken against a member of staff, to protect the rights of the staff concerned, the phrase '**Appropriate action has or will be taken**' should be used.
- 2.2.8 The complainant will be advised that should they wish to take the complaint further they should notify the Chair of the Governing Body **within 10 school working days** of receiving the outcome letter. Normally, the Chair will arrange that a Governors Complaints Committee should investigate on the parent's/carer's behalf.
- 2.2.9 Where the complaint is against the Head Teacher, arrangements should be made for the initial investigation to be conducted by a single Governor (usually the Chair of Governors, or Vice Chair of Governors), or a suitably constituted Governors' Complaints Committee who will carry out all the Stage 2 procedures.

3. STAGE THREE (APPEAL TO CHAIR OF GOVERNORS/GB COMPLAINTS COMMITTEE)

3.1 GUIDELINES

It is important that this appeal should not only be independent and impartial on behalf of the Governing Body, but that it is seen to be so. As such, the appeal should be dealt with by Governors who have had no prior knowledge or involvement in the case.

- 3.1.1 As this may be the last chance for a solution or compromise to be reached, every effort should be made to mediate and conciliate at this stage.
- 3.1.2 Complaint appeals should normally be in a written format. In exceptional cases the school will consider progressing an oral complaint appeal where there are sufficient grounds to do so. This complaint should state clearly why the complainant feels their case has not been dealt with and should be based on evidence or supported by witness statements.
- 3.1.3 All complaints which reach this stage will have done so because the complainant has not been satisfied by the Head Teacher's response at the earlier stage of the procedure, or, if the complaint had been about the Head Teacher, the original investigation by the Chair of Governors, Vice Chair of Governors or Governors' Complaints Committee

3.2 PROCEDURES

- 3.2.1 Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below will be followed:
- i. The Chair of the Governing Body or other Governor not previously involved will write to the complainant to acknowledge receipt of the written request.



- ii. The acknowledgement will inform the complainant that the complaint will be investigated by the Governing Body Complaints Committee, as appropriate, **within 20 school working days** of receiving the request
 - iii. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. Documents must be received in time for them to be sent to the members of the Committee.

- 3.2.2 If the investigation is being conducted by a Governors' Complaints Committee, the Chair of Governors will convene a Committee of three members, two of whom will be elected from the Governors of the school's Governing Body. The third member of the Complaints Committee will be a Governor from the Governing Body of one of the other schools in the Sheffield Catholic Schools Partnership. The Committee members will be Governors who have had no prior involvement with the complaint. It is not appropriate for the Head Teacher, or a member of staff to have a place on the Committee. Governors should bear in mind the advantages of having a parent/carer Governor on the Governors' Complaints Committee.

- 3.2.3 The Chair/Vice Chair will ensure that the Committee hears the complaint **within 20 school working days** of receiving the request. All relevant correspondence regarding the complaint will be given to each Governors Complaints Committee member as soon as the composition of the Committee is confirmed.

- 3.2.4 The Chair/Vice-Chair will write to inform the complainant, the Head Teacher, any relevant witnesses and members of the Governors' Complaints Committee **at least 10 school working days in advance**, of the date, time and place of the meeting. The details of the complaint available at that time should also be sent in writing to the Head Teacher.

- 3.2.5 The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Committee, **at least 5 school working days in advance of the meeting**. The Chair/Vice Chair of the Governing Body will invite the Head Teacher to attend the Governors Complaints Committee meeting and prepare a written report for the Committee in response to the complaint.

- 3.2.6 The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or at the discretion of the Chair to attend the meeting. All concerned, including the complainant, will receive any relevant documents including the Head Teacher's report, **at least 5 school working days prior to the meeting**.

- 3.2.7 It is the responsibility of the committee Chair to ensure that the meeting is properly minuted.

- 3.2.8 The aim of the meeting will be to resolve the complaint and to achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.



3.2.9 The Committee should remember that some parents/carers are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Committee. It is therefore recommended that the Chair of the Committee ensures that the proceedings are as informal as the situation allows.

3.2.10 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.

3.2.11 At Stage 3 the complainant and the Headteacher and any other staff should be interviewed separately, so that the Committee can form a clear and unbiased view of the complaint.

The interviews, which can be arranged to run consecutively if this is more convenient, should allow:

- The complainant to explain their complaint(s)
- The Head Teacher to explain the school's response
- The Governors' Complaints Committee members to have an opportunity to question both the complainant and the Head Teacher.
- Any party to have the right to call witnesses (subject to the approval of the Chair) and the Committee having the right to question all the witnesses
- The parents/carers, the Head Teacher and staff to have the right of representation at the interview if they so wish

3.2.12 The Chair of the Committee will explain to the complainant and the Head Teacher that the Committee will consider its decision, and a written response will be sent to both parties **within 15 school working days**.

3.2.13 The Committee will then consider the complaint and all the evidence presented and:

- a. Reach a unanimous, or at least a majority decision on the complaint
- b. Decide upon the appropriate action to be taken to resolve the complaint
- c. Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again

3.2.14 Recommendations will be reported to the Governing Body at an appropriate time.

3.2.15 A written statement outlining the decision of the Committee must be sent to the complainant and Head Teacher. If any action is to be taken against a member of staff, to protect the rights of the staff concerned, only the phrase '**Appropriate action has or will be taken**' should be used.

3.2.16 The Governors will ensure that a copy of all correspondence and notes are kept on file in the Governor's records. These records should be kept separately from pupils' personal records.

4. STAGE FOUR (REFERRAL TO THE DIOCESAN AUTHORITY)

- 4.1 Complaints unresolved at Stage 3 can be referred to the Diocesan Directors of Education at schools@hallam-diocese.com. This person is independent of the school and can investigate complaints made against the school, or check that correct procedures have been carried out by the school.

5. FIFTH STAGE (REFERRAL TO THE EDUCATION AND SKILLS FUNDING AGENCY)

Complaints unresolved at Stage 4 can be taken to the Education Funding Agency at <https://www.gov.uk/complain-about-school> The Education Funding Agency may contact the Governing Body for more information in order to consider the complaint.

Stage One

Expression of concern to member of staff

Satisfactory outcome reached?

No

Yes

No further action

Complainant makes verbal/written complaint to Head Teacher/Head of School

Investigation conducted and reported to complainant

Satisfactory outcome reached?

No

Yes

No further action

Complainant refers matter to Governors' Complaints Committee

Investigation by Governors' Complaints Committee. Complainant and Head Teacher/Head of School attend.

Satisfactory outcome reached?

No

Yes

No further action

Complainant refers matters to the Diocesan Director of Education

Investigation and conciliation.

Satisfactory outcome reached?

No

Yes

No further action

Stage Five

Complainant appeals to Education Funding Agency

APPENDIX 1

UNREASONABLE COMPLAINANTS

The school is committed to deal with all complaints fairly and impartially and to provide a high-quality service to those who complain. Normally the contact which complainants have with the school will not be limited. However, staff will not be expected to tolerate unacceptable behaviour and the school will take action to protect staff from such behaviour, including that which is abusive, offensive or threatening.

The school defines unreasonable complainants as those who, because of the frequency or nature of their contacts with the school, hinder the consideration of their complaints or those of other people.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint, or to specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to cooperate with the investigation process whilst still requiring that their complaint be resolved
- refuses to accept that certain issues are not within the scope of a complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff dealing with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds
- repeatedly makes the same complaint, despite previous investigations or responses concluding that the complaint is groundless or has been addressed
- refuses to accept the findings of the investigation into their complaint where the school's complaints procedure has been fully and properly implemented and completed, including referral to the DfE
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint, in person, in writing, via email or by telephone, whilst the complaint is being dealt with

A complaint may also be considered unreasonable if the person making the complaint does so face-to-face, by telephone, in writing or electronically:

- maliciously and aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media e.g. social media and newspapers

Complainants should limit the number of communications with the school while a complaint is being progressed. It is not helpful if repeated correspondence is sent, whether it is by letter, phone, email or text, as this could delay the outcome being reached.

Whenever possible, the Headteacher/Head of School or the Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who contact the school excessively, causing a significant level of disruption, the school may draw up a communication plan, specifying methods of communication and limiting the number of contacts. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and the actions taken will be put in writing immediately and the police will be informed. Actions taken may include barring an individual from the school premises.