



**ST. AUGUSTINE OF CANTERBURY CATHOLIC
PRIMARY SCHOOL**

SCHOOL COMPLAINTS POLICY

Mission Statement

"I called you by your name, you are mine." Isaiah 43

The mission of our school is to support and further the teachings of Christ and His Church.

We welcome and embrace individuals of all abilities and cultural backgrounds.

We aim to enhance and celebrate their moral, physical, social and emotional development, so that they may reach their full potential in an atmosphere of stability, care and respect.

We believe that education is for all and in partnership with parents, carers, children and the wider Catholic community: we will strive and succeed in a wholly inclusive setting.

This policy was adopted October 2016.

The policy is to be reviewed October 2018

Written by: Louise Prestidge

This policy should be used in conjunction with the DfE Best Practice Advice for School Complaints Procedures 2016.

Archdiocese of Southwark Education Commission Guidance to Governing Bodies on the Management of School Complaint Procedures

Introduction:

At St. Augustine of Canterbury Catholic Primary school we are always ready to meet with parents. If there is something that worries you, please discuss it with the class teacher and, if necessary, the Headteacher. It is our desire to resolve any concerns, problems or complaints as quickly as possible. Many issues can be resolved informally, without the need to invoke formal procedures.

The prime aim of St. Augustine of Canterbury Catholic Primary School's policy is to resolve the complaint as fairly and speedily as possible. Formal complaints will be dealt with in a sensitive, impartial and confidential manner. In all cases, we put the safeguarding of the child above all other issues.

The majority of issues raised by parents, the community or pupils, are concerns rather than complaints. St. Augustine of Canterbury Catholic Primary School is committed to taking concerns seriously, at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without needing formal procedures. However, depending on the nature of the complaint, you may wish or be asked to follow the school's formal complaints procedure.

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*'.

Scope

In some areas of school life there are statutory arrangements for dealing with complaints. This policy **does not** cover complaints relating to the following matters:

- admission of pupils;
- Statutory assessments of Special Educational needs (SEN);
- Schools re-organisation proposals;
- matters likely to require a Child Protection Investigation;
- exclusion of pupils from school;
- whistleblowing;
- staff grievances and disciplinary procedures;
- complaints about services provided by other providers who may use school premises or facilities;
- assessments of special educational needs;
- The provisions of religious education and worship refer to The Catholic Education Service.
- complaints about the curriculum

See appendix 'Best Practice Advice for School Complaint Procedures 2016' as to whom should be contacted in the above instances.

Recording Complaints

St. Augustine of Canterbury Catholic Primary School will comply with their obligations under the Equality Act 2010.

- A complaint may be made in person, by telephone, or in writing;
- We will record the progress of the complaint and the final outcome. The Headteacher will be responsible for these records and hold them centrally.

The following details outline the stages that can be used to resolve complaints.

St. Augustine of Canterbury Catholic Primary School Policy has four main stages.
In summary they are as follows: -

Stage 1 (informal): concern heard by an appropriate staff member

Stage 2 (formal): complaint heard by Headteacher;

Stage 3 (formal): complaint heard by Chair of Governors

Stage 4 (formal): complaint heard by GB's complaints appeal panel.

Stage 1 - concern heard by an appropriate staff member

Concerns can be raised with the school at any time and will often generate an immediate response, which will resolve the concern. The school requests that parents make their first contact with their child's class teacher. On some occasions the concern raised may require investigation, or discussion with others, in which case you will receive an informal but informed response within a day or two. The vast majority of concerns will be satisfactorily dealt with in this way. However, if you are not satisfied with the result at stage 1, please write to or call the school. The school will then look at your complaint at the next stage.

Stage 2 - complaint heard by Headteacher;

If you are not happy with the attempts made to resolve your concerns, you may wish to make a formal complaint in writing to the Headteacher. You should say that you are making a formal complaint, and you should state what you are complaining about as clearly as possible. The Headteacher will ordinarily be the person designated to deal with the complaint. **If the complaint is directed against the Headteacher, the person designated to deal with the complaint shall be the Chair of Governors (or his nominee). If the complaint is directed against a member of the governing body, the complaint should be made to the Clerk of the governing body in writing. You will be invited to come and discuss the matter. You are welcome to bring a friend for support to this meeting.**

Following the meeting, the person dealing with the complaint will inform the complainant within seven school days of:

- 1 the decision taken and the reasons for it;
- 2 what has been, or will be, done about the complaint. If the complaint is about a teacher or teachers, or about the governors, the person dealing with the complaint will state what he has asked them to do to resolve the complaint.

Stage 3 - complaint heard by Chair of Governors

If the matter has not been resolved at Stage 2 or the complaint is about the Headteacher, then you will need to write to the Chair of Governors c/o the school. The Chair of Governors will arrange for the complaint to be acknowledged within 5 school

working days of receiving it and a meeting will be convened to discuss the matter further. Following an investigation, the Chair of Governors will aim to provide a written response within 10 school working days of sending out the acknowledgement. However, if a complaint is more complex to review this can be extended to 20 school working days. The school will provide you details of the new deadline and an explanation on the delay. If you are dissatisfied with the result at stage 3, you will need to let the school know within 10 school working days of getting the response. The school will then look at your complaint at the next stage.

If the complainant does not wish to come to the meeting, he or she may present the complaint in writing, provided that it is given to the Clerk at least two school days before the meeting.

The person against whom the complaint is made may be present at the meeting and may bring a colleague or representative. The complainant may bring a friend or representative.

After The Meeting

The Clerk will write to the complainant and the person against whom the complaint is made within five school days to inform them of the decision. The Clerk will tell the complainant

1 (if applicable) what other steps he or she can take if the governors decide that the complaint is not covered by these procedures;

2 what action has been taken or what is to be done if the complaint was upheld.

3 If the complaint is rejected, that the complainant may appeal against the decision of the panel and that an appeal is the final stage in this procedure.

If the governors decide to instigate particular action in response to the complaint, the clerk will tell the complainant what is being done and will keep him informed of progress. If the governors meet again, the meeting must be held in accordance with this procedure.

Stage 4 - complaint heard by Governing Bodies Complaints Appeal Panel.

If the matter has still not been resolved at Stage 3, then you will need to write to the Clerk of Governors giving details of the complaint and asking that it is put before the appeal panel.

Should the Chair have been involved at any previous stage in the process a nominated Governor, impartial to the complaint, will convene a complaints panel. The complaint will be acknowledged within 5 school working days of receiving it. The hearing will normally take place within 20 school working days of sending the acknowledgment.

The aim of the Appeal panel hearing is to impartially resolve the complaint and to achieve reconciliation between the school and the complainant. All parties will be notified of the Panel's decision in writing within 5 school working days after the date of the hearing. The letter will also contain what you need to do if you wish to take the matter further.

If the whole governing body is aware of the substance of a complaint before the final stage has been completed, schools will arrange for an independent panel to hear the complaint. We will approach a different school to ask for help or the local Governor Services team at the LA, or the Diocese;

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. The request will be considered but ultimately, the decision is made by the governors.

Some procedures may also allow for an additional stage if the LA, Diocese or other external agency provides an independent appeal or review.

Serial and Persistent Complainants

At St. Augustine of Canterbury Catholic Primary School we will do our best to be helpful to people who contact us with a complaint or concern or a request for information.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is important for schools to recognise when they really have done everything they can in response to a complaint. It is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors can inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond. However, we will be careful that we do not mark a complaint as 'serial' before the complainant has completed the procedure. Under no circumstances should an individual be marked as serial for exercising their democratic right to refer their complaint to their local MP regardless of which stage the complaint has reached. The application of a 'serial or persistent' marking should be against the subject or complaint itself rather than the complainant.

Policy for Unreasonable Complainants

St. Augustine of Canterbury Catholic Primary School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

St. Augustine of Canterbury Catholic Primary School defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

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

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to 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 who are trying to deal 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 that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- 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, by email and by telephone while the complaint is being dealt with.

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

- maliciously;
- 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 such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached. Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact St. Augustine of Canterbury Catholic Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from St. Augustine of Canterbury Catholic Primary School.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Headteacher or the local authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place. Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

The Role of the School Complaints Unit

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State.

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 LA 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, we 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.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education School Complaints Unit 2nd Floor, Piccadilly Gate Store Street Manchester

The Education Commission

The Education Commission may become involved with a complaint by giving advice to a Panel, Headteacher or chair of governors or by carrying out the investigation.

Remuneration for the work undertaken by the Education Commission will be considered if the matters complained about are to do with Catholicism, the school's Catholic ethos or about the Religious Education curriculum at the school.