

# St Patrick's RC High School A National Teaching School



## COMPLAINTS POLICY

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**Committee:** Pupil Welfare  
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**Signed:** .....

# St Patrick's RC High School Complaints Policy

## School Mission Statement

*Our outstanding school community is guided by the gospel values of: love, forgiveness, reconciliation, justice, integrity, humility and truth. Faith and worship are lived, taught and celebrated. We recognise the importance of service to others and the opportunity to be witnesses to Christ in our community.*

*All are unique and strive for personal growth. We celebrate the pursuit of academic excellence, applaud ambition and value the achievements of all. Our pupils are expected to achieve their best and use their learning to make a difference in the world they live in.*

## School British Values Statement

St Patrick's teachers uphold public trust in the profession and maintain high standards of ethics and behaviour. Teachers do this by not undermining fundamental British values and ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.

## Legal context

From September 2003, Governing Boards of all maintained schools and nursery schools in England are required, under Section 29 of the Education Act 2002, to have in place a clear and well-communicated procedure to deal with complaints.

The School Standards and Framework Act 1998 provided an additional function of the Governing Board to establish and publish procedures for dealing with complaints relating to the school, other than those covered by legislation and formal procedures elsewhere.

This policy has been developed after consulting the Department for Education (DfE) Best practice advice for schools complaints procedures – January 2016.

## Who is allowed to complain?

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean the parents and carers of the school's pupils, but may include parents and carers of pupils who are no longer at the school, neighbours of the school, or any other members of the local community. Every effort will be made to resolve all complaints received. Complaints will always be investigated so that the school can ensure that all statutory duties are being met and if not address the issues raised and learn from them for example, child protection issues may only come to light after the pupil has left the school.

It is in everyone's best interests in our school and community to communicate well with one another and to make sure that any concerns and complaints are dealt with as quickly and appropriately as possible.

A concern is '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'

A complaint is '*an expression of dissatisfaction however made, about actions taken or a lack of action.*'

If concerns and complaints are brought to the attention of our school we see this as an opportunity, where appropriate, to inform, review and help improve school procedures.

The school has a named School Complaints Coordinator whose role it will be to oversee the day-to-day implementation of the policy. Our current school's complaint coordinator is Mrs V Lynch (Headteacher's PA).

### **Aims and objectives of the policy**

This complaints policy aims to:

- Encourage the resolution of problems by informal means wherever possible;
- Ensure that concerns are dealt with quickly, fully and fairly and within clearly defined time limits;
- Provide effective responses and appropriate redress;
- Maintain good working relationships between all people involved with the school.

### **Circumstances under which stages of the procedure should be missed out**

There are 4 stages outlined in the complaints procedure:

Stage 1 Informal Discussion

Stage 2 Referral to Head Teacher

Stage 3 Complaint referred to Chair of Governors

Stage 4 Review by Governing Board Complaints Panel

This policy sets out the most suitable and effective process for dealing with the majority of complaints which are not covered by alternative procedures (see page 3 and 4). In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally before being escalated to any of the following formal stages.

In some cases, it may be deemed inappropriate for individuals to discuss their concerns informally. In such cases, complainants may be directed to contact the Headteacher directly (i.e. begin at stage 1). Complainants may choose to contact the Headteacher directly of their own accord. In these cases it will be at the discretion of the Headteacher as to whether or not it is appropriate for the complainant to discuss the matter informally before invoking the formal complaints procedure at Stage 1.

In all cases where the complaint concerns the school's Headteacher directly, stage 1 will be missed out and the formal complaints procedure will begin at stage 2.

If and when complaints about the school are brought to the attention of Salford Local Authority, complainants will be advised to contact the school and to follow the procedures set out in the school's complaints policy.

### **Monitoring complaints**

At all formal stages of the complaints procedure, the following information should be recorded:

- The name of the complainant;
- The date and time at which complaint was made;
- The details of the complaint;
- The desired outcome of the complainant;
- How the complaint is investigated (including written records of interviews held);
- Results and conclusions of investigations;
- Any action taken;
- The complainant's response (satisfaction or further pursuit of complaint);
- Record of any subsequent action if required.

The school's Complaints Coordinator will have the responsibility for the operation and management of the school complaints policy and will be responsible for monitoring complaints. Records should be retained within school for 6 years from the date of resolution and can then be destroyed.

## **Upholding or not upholding complaints**

At each stage of the complaints procedure, the conclusion will be either:

1 That the complaint is upheld (in part or in full) and, where appropriate, some form of action is taken.

**OR**

2. That the complaint is not upheld and reason(s) for this, where appropriate, are clearly given.

In the first instance of receiving a complaint it may be appropriate to resolve the issue by offering the complainant one or more of the following:

- An emphatic response;
- an explanation of events;
- a recognition that the situation could have been handled differently or better;
- an explanation of the steps that have been taken to endeavour that it will not happen again. However, this must not include any information or detailed action taken involving a member of staff as this is confidential;
- an undertaking to review school policies in light of the findings of the complaint.

The complainant may either choose to take no further action or take the complaint to the next of the complaints policy until all stages have been exhausted.

## **Publicity and communication**

There is a legal requirement for schools to publicise their complaints procedures. This policy may be included on the school's website or available through the school office. Schools may make reference to the complaints policy in other school documentation.

## **Confidentiality**

All conversations and correspondence will be treated confidentially. Personal information will only be shared between staff and governors on a 'need to know' basis. Confidentiality will be maintained within the Governing Board to ensure sufficient governors have no prior knowledge of the complaint to enable a complaints panel to be convened, if required, at stage 3.

## **Accompaniment**

It is an expectation that equal respect will be granted to each person involved within the process and that differences between people will be respected and understood. This includes the complainant's right to be accompanied by a friend or relative at discussions and hearings and/or to submit formal complaints which have been written by another individual on their behalf.

It is the responsibility of the Local Authority to ensure that schools are implementing their agreed policies. It is not the role of the LA to become involved in setting policy or to intervene in individual cases, but to ensure that agreed policies have been applied appropriately. The responsibility for managing complaints lies with the Governing Board.

Where there is a serious allegation against the Headteacher, it is recommended that the Governing Board seek advice from Salford Diocese and Governor Services at Salford Local Authority from the outset.

### **Time between stages**

After each stage, the complainant and the individual who is dealing with their complaint at that time should allow 15 school days to decide an appropriate time limit within which the next stage should be accessed, if at all. If the complaint is not submitted to the next stage within this agreed time limit it should be considered as closed.

### **Changes to time limits and deadlines**

In general, the time limits and deadlines contained within this policy should be adhered to by the school. However, in certain circumstances it may be inappropriate or impractical, for example, if an investigation cannot be conducted due to school holidays or illness.

Where a complaint leads to criminal proceedings this will always be the case.

If and when it becomes necessary to alter the time limits and deadlines set out within this policy, the complainant should be told and given an explanation as to why this has been the case.

### **Circumstances under which this procedure should not be used-**

This guidance does not refer to areas where Salford Local Authority has the lead role or for which separate appeal arrangements are provided. These include:

- Pupil Admissions.
- Pupil Exclusions.
- Statutory Assessment of Special Educational Needs.
- School re-organisation proposals.
- Matters likely to require child protection investigation.
- Allegations of child abuse or other criminal allegations against staff in schools.
- Whistleblowing.
- Staff grievance and disciplinary procedures.
- Complaints about services provided by other providers who may use school premises or facilities.
- General complaints about services provided by Salford City Council.

There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures.

## **PROCEDURES FOR HANDLING COMPLAINTS**

### **STAGE 1: Informal discussion**

#### **Introduction**

The vast majority of concerns can be dealt with informally. There are many occasions where concerns are resolved straight away without the need to submit a formal complaint. Indeed, many concerns raised at this level might not be classified as complaints.

#### **Who to speak to informally**

Individuals may decide to raise their concerns with a member of school administrative staff, class teacher, senior teacher, a member of the Senior Leadership Team or Headteacher depending on their wishes and the type of issues they want to discuss.

If a member of staff is unable to resolve the issue, they should pass the information to a more experienced senior member of staff, who should record the date, time and nature of the complaint including a written response within 10 working school days, giving details of the action to be taken. Where no satisfactory solution has been found the complainant should be advised how to proceed to the next stage and should be made aware of how to access the school's complaint policy.

## **STAGE 2: Referral to the Headteacher**

### **Introduction**

This is the first step of the formal complaints process and, as a result, all communications between parties need to be carefully recorded and monitored as set out in the 'monitoring complaints' section of this document.

When a complaint is made directly against the school's Headteacher, stage 2 is not required and the formal procedure begins at stage 3.

### **Submitting a formal complaint**

By this stage it must be clear that the concern is a definite complaint which will be dealt with according to this policy and should be either by arranging an appointment with the Headteacher or by writing to the Headteacher.

### **Acknowledgement and time scales**

The Headteacher should formally acknowledge the complaint within 3 school working days of receiving it and begin an investigation. The acknowledgement should include a brief summary of the complaints procedure and a target date for a written response within 10 school working days. If this is not possible a letter should be sent explaining the reasons and giving a revised target date.

### **The investigation**

The Headteacher may delegate the task of collating the information to a senior member of staff (Designate) who will if necessary take statements from those involved. The Headteacher will provide a further opportunity for the complainant to supplement any information previously provided. The complainant may be accompanied to any meeting by a friend, relative, representative or advocate, who may speak on their behalf. Interpreting facilities will be made available if needed.

If the complaint centres on a pupil, the pupil should also be interviewed, ideally with parents or guardians present. In some situations, circumstances may prevent this e.g. where this would seriously delay the investigation of a serious/urgent complaint or where particular circumstances mean that a pupil has specifically said s/he would prefer that parents or guardians were not involved. In such circumstances another member of staff with whom the pupil feels comfortable will be asked to attend. If there are any concerns about involving a pupil in the investigations then, the Local Authority Designated Officer (Allegations) will be consulted.

The Headteacher may not delegate the decision on action to be taken after reviewing any relevant documentation and information.

If a member of staff is complained against, the Local Authority Designated Officer (Allegations) will be consulted about how any investigation should be conducted.

The Headteacher (or the nominee) keeps written records of meetings, telephone conversations, and other documentation.

### **Response**

The Headteacher may not delegate the decision on action to be taken after reviewing any relevant documentation and information.

Once all the relevant facts have been established, the Headteacher (or nominee) will then produce a written response to the complaint, or may wish to meet the complainant to discuss/resolve the matter directly. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken within 10 school working days from the date the complaint was lodged.

The complainant should be advised advised that if s/he wishes to take the complaint further he/she should notify the Chair of Governors in writing within **25 working school days** of receiving the outcome letter.

### **STAGE 3: Complaint referred to the Chair of Governors**

#### **Introduction**

Upon receiving a formally submitted complaint at this stage the Chair of Governors will seek to resolve the issue with the complainant by other means without the need for a Complaints Panel review at stage 3. When a complaint is made directly against the school's Headteacher, stage 2 is not required and the formal procedure begins at stage 3.

#### **Submitting a formal complaint**

The complainant must submit a written complaint to the Chair of Governors who will investigate the complaint or arrange for a nominee to investigate it.

#### **Acknowledgement and time scales**

The Chair of Governors should formally acknowledge the complaint within 3 school days of receiving it and begin an investigation.

#### **The investigation**

The Chair of Governors will need to investigate the complaint, and review any relevant documentation and information available. If necessary, the Chair of Governors or a nominee will take statements from those involved.

#### **Response**

The Chair of Governors will provide the complainant with a full written response within 10 school days of acknowledging it. This response will determine whether or not the complaint has been upheld, the reasons why, and what action (if any) will be taken. The response will provide details of how to move on to the next stage, if the complainant is not satisfied.

### **STAGE 4: Review by Governing Board Complaints Panel**

#### **Introduction**

If the complainant remains unsatisfied following an investigation by the Chair of Governors they can ask for their complaint to be referred to the Governor Complaints Panel. The Chair of Governors will acknowledge the complaint within 5 school working days, and instruct the Clerk to convene a Governors' Complaints Committee Panel meeting. The meeting must be convened within 20 days of receipt of the complaint and the panel should have no previous knowledge or involvement with the case.

At this stage the school will seek advice from any relevant authority, such as, the Local Authority, or the Diocesan Schools' Commission. However, they would not play any part in reviewing the details of the complaint itself which is the responsibility alone of the Governors' Complaints Committee. Complainants have the right to request an independent panel, if they believe there is likely to be bias with the proceedings. The school will consider the request and the decision on this will be made by the Governing Board.

The panel will generally consist of three governors who have not previously been involved with dealing with the complaint. If the Governing Board is unable to find 3 governors without prior involvement and has formal collaboration arrangements in place with another school's Governing Board, independent governors can be drawn from that Governing Board to sit on the panel. The panel should elect its own chair.

Both parties may bring their representatives with them.

### **Governor Complaints Panel Arrangements**

The Chair of Governors will contact the Clerk to the Committee and ask them to begin making preparatory arrangements.

The clerk should then formally write to the complainant, the Headteacher and any other relevant staff or witnesses and inform them:

- Of the date, time and venue of the hearing;
- How it will be conducted;
- Request for any supporting documentation by either the complainant or the school which must be returned to the Clerk no later than 5 school days before the hearing takes place; this should include any request from supporting witnesses or representatives to attend with either party.
- Of the rights of accompaniment as outlined in this document.

The clerk will ensure that all parties receive all relevant documents at least 3 school days before the date of the hearing so as to allow individuals to familiarise themselves with them.

### **Governors Complaints Panel Meeting**

The Chair should allow each party involved to explain their understanding or interpretation of events and for the Panel to question them for further clarification. Complainants do not have to attend the Panel meeting if they would prefer not to, and all written evidence will be considered.

Ultimately, the chair of the meeting has control over its proceedings.

### **After the Panel meeting**

The panel will then consider the complaint and all the evidence presented and:

- Reach a majority decision, on the complaint;
- Decide or recommend upon the appropriate action (if any) to be taken;
- Where appropriate, suggest changes to, or request a review of, the school's systems or procedures to ensure that problems of a similar nature do not happen again.

The panel's decision will be sent in writing both to the Headteacher and the complainant within 15 school working days of the meeting.

### **Options for complainant**

This is the end of the schools complaints process. If the complainant is not satisfied they can contact the Secretary of State at:

Department for Education Schools Complaints Unit  
2<sup>nd</sup> Floor Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

Website: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)

The Secretary of State has the power to consider complaints in cases where the Governing Board may have acted unreasonably in the discharge of any of its statutory duties.

### **Complaints about SEN provision**

If your child has a special educational need and your concern or complaint is regarding the support that the school provides in relation to this, please communicate directly with the school SENDCO (Mr G Jones). If your concern or complaint is not resolved at this stage, please contact the Headteacher (Mrs A Byrne), in writing who will facilitate further investigation and arrange to meet parents/carers to discuss findings/outcomes. If a parent/carer is dissatisfied with the response provided by the SENDCO and/or Headteacher they should pursue their complaint in line with the school's complaint policy.

Support can also be accessed via Salford Information Advice and Support Service (SIASS) This service provides independent advice, information and support for children, young people, parents and carers in Salford about SEND. This includes liaison between home, school and the Local Authority, health and social services, educational psychology service and education welfare service. They can be contacted on 0161 778 0343/0349 or [siass@salford.gov.uk](mailto:siass@salford.gov.uk) or [www.salford.gov.uk/siass](http://www.salford.gov.uk/siass)

The parents/carers of pupils with disabilities also have the right to make disability discrimination claims to the First Tier Tribunal (under the Equalities Act 2010) if they believe that our school has discriminated against their children. They can make a claim about alleged discrimination regarding:

- Exclusions.
- Provision of education and associated services.
- Making reasonable adjustments, including the provision of auxiliary aids and services.

Where it is felt that that discrimination may have occurred in relation to any of the above, parents/carers should contact:

The First Tier Tribunal, Mowden Hall, Staindrop Road, Darlington, DL3 9BG (telephone number 01325 392760).

# **GOVERNOR COMPLAINTS PANEL GUIDANCE NOTES**

## **1 Terms of Reference**

The panel must be convened according to the complaints procedure published by the school as part of their complaints policy. All parties should have received a copy of the procedures.

## **2 Composition**

The panel must consist of three governors previously unconnected with the case.

The Chairman of the panel is agreed by the other members of the panel.

The meeting must be minuted by a nominated clerk who is usually the clerk to the Governing Board.

The minutes must be an accurate representation of what happens at the meeting. The minutes are confidential.

## **3 Chairman's Introduction**

- Welcome and introduce everyone in the room and their role in the proceedings. Those present will be the panel members, the clerk, the Headteacher, the complainant (both parties are entitled to be accompanied by a friend or relative)
- Witnesses in support of either the school or the complainant should wait outside the room until called.
- Explain the reason for the panel being held – to offer a fresh and fair look at the complaint from stage 2 as defined in the complaints procedures.
- Explain that the panel cannot consider new complaints at this stage.
- Explain the structure of the meeting.
- Explain that the panel will deliberate separately, in private, after the meeting and their conclusions will be sent out to all parties in writing within 5 school days.
- Ensure that everyone has a copy of the papers including a copy of the complaints procedures.
- Check that everyone understands all of the above.

The Chairman must ensure that:

- There is a clear written statement of the complaint which is the same as the complaint previously investigated. It may be appropriate to clarify if any aspects of the complaint fall outside the remit of the panel.
- There is a clear statement of the outcomes desired.

#### **4 Structure of the Meeting**

- a The complainant will be given the opportunity to explain their complaint.
- b The panel and the Headteacher (will be allowed to ask the complainant questions.
- c The Headteacher will be given the opportunity to present the school's response, interpretation or view about the complaint.
- d The panel and the complainant will be allowed to ask the questions.
- e At the panel's discretion, witnesses may be called and heard in support of either party's representations, and if so may be questioned by the panel and either party.
- f The complainant will be given the opportunity to make a final statement.
- g The Headteacher will be given the opportunity to make a final statement.
- h The Chairman will confirm with both parties that they have had the opportunity to put their case.
- i The Chairman will thank all for attending and explain that the panel will deliberate separately in private and a letter setting out the panel's conclusions will be sent out within 5 school days.

#### **5 Deliberation and Conclusion**

The main points of the complaint must all be addressed.

- For each point, the panel need to explain their findings based on fact where possible.
- The panel need to consider the outcomes requested and agree or disagree giving reasons.
- The panel can make recommendations to either the Headteacher or Governing Board.
- The concluding letter must be signed by the Chairman of the panel.
- It will be sent out promptly and within 15 schools days of the meeting.
- The letter should indicate that this is the final stage of the schools complaints procedure. Where relevant, it should refer the complaint to other available avenues if dissatisfied with the outcome.

## Appendix 1

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

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**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 complaint lodged:**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

## **St Patrick's RC High School - Policy Statement for Unreasonable Complaints**

St Patrick's RC High 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 Patrick's RC High 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 the school and thereby 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 the school