

Hard Federation of St. Joseph's Catholic Primary Schools
Barking and Dagenham
Complaints Policy

This policy forms part I of the Complaints Procedure

Introduction:

The Hard Federation of St. Joseph's Catholic Primary Schools aims to provide a high quality service to all our stakeholders. However, when things fall short of this standard, we will deal with those who have a complaint fairly, honestly and properly through the Federation's Complaints Procedure. It is the intention of the Governing Body that all complaints are dealt with properly. We are not perfect and are always willing to listen to concerns and anxieties and learn from these if appropriate.

In a Catholic school, parental/carers' concerns are of particular importance. As the first educators of their children, parents/carers have a duty to take an active interest in their school. "Since parents have given children their life, they are bound by the most serious obligation to educate their offspring." (*Gravissimum Educationis*). To this end, "there must be the closest co-operation between parents and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents and willingly listen to them." (Can.796) In our Federation of Catholic Schools, therefore, dealing with parental/carers' concerns is an intrinsic part of our ethos and mission,

Aims of this Policy

- ✓ To support positive relationships between our schools, families and the wider community
- ✓ To take account of the views of parents, community and school stakeholders, in order to contribute to school improvement.
- ✓ To ensure that complaints and concerns are managed fairly and openly within the structure of the policy.
- ✓ To address all points at issue and provide an effective response and appropriate resolution, where necessary.
- ✓ To protect all sides of a dispute by providing a fair and impartial hearing

Context

There are two categories of complaints, curriculum and general. The vast majority of complaints and concerns can be resolved informally and this is usually what the school will aim to do. The Governing Body hope that parents feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing. We are mindful that at times it may be unclear whether a parent is asking a question or expressing an opinion rather than making an education complaint. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further. A concern or unresolved problem becomes a complaint only when the parent or carer asserts that a school has acted wrongly in some significant decision, action or failure to take action. Even when a complaint has been made it can be resolved or withdrawn at any stage.

This Complaints Procedure does not apply to:

- members of staff (who should use their own Grievance Procedure)
- procedures with their own appeal structure e.g. admissions and exclusions

- concerns about the delivery of the National Curriculum and about collective worship will be dealt with by the school in the first instance (stages 1 and 2) and if there is no satisfactory resolution, will be referred to the Secretary of State

It is also totally separate from any Disciplinary or Capability Procedures. If the investigation of any complaint were to lead to concerns on the part of the headteacher or governors about the capability or conduct of a member of staff, these would not be discussed or dealt with within this procedure.

Special Circumstances

Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to the London Borough of Barking and Dagenham Social Care and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the headteacher or governing body.

Other Solutions to Complaints

Where a matter can be resolved through a legal appeal it will not be considered as a formal complaint. The key areas are: admissions decisions; certain decisions relating to formal assessment of special educational needs; and decisions to permanently exclude a child. Detailed guidance on these types of appeal are available from the Federation.

When a complaint concerns the curriculum of a school, its religious education or a general complaint, a separate procedure applies. This is detailed below.

It is very important that all governors and members of staff be familiar with the school complaints procedure and that they know who the complaints co-ordinator for the school is so that they can refer complaints to that person when approached by someone with a complaint. In the case of the Federation, this is the Head of School on each site.

The Informal Procedure

Nearly all concerns or questions can be resolved very quickly and informally if parents/carers feel able to voice them as soon as they arise. Obviously, the more information the school gives to them the less scope there is for misunderstanding. As part of this information, parents/carers should be told that feedback is always welcome and that, therefore, they are warmly encouraged to voice any concerns straightaway, preferably to the person concerned. In most cases, discussion, explanation, further information – or an apology, if appropriate – will resolve the issue. **Every effort should be made to allay concerns at this level and with the least possible formality. The ideal is that no concern should ever become a formal complaint.**

The Formal Procedure

Occasionally a concern will be too serious to be handled in an informal way, perhaps needing greater investigation; or the person concerned may not feel that the answers given so far have been acceptable or adequate. In such circumstances, the concern will become a complaint and the formal procedure should be rigorously followed. Even in these cases, every effort should be made to resolve the issue at the lowest possible level of the procedure. It should be very rare indeed that a complaint needs to be decided at the Appeal Stage by a Complaints Appeals Panel.

Formal Procedure Principles

Hard Federation of St. Joseph's Catholic Primary Schools. Policy based on the LBBD Persistent and Vexatious Complaints Policy

At every stage of the formal procedure, the handling of the complaint will be:

- ☐ Non-adversarial
- ☐ Swift (using agreed time scales)
- ☐ Fair (using independent investigation where necessary)
- ☐ Confidential

Throughout the process, the schools will be willing:

- ☐ To listen
- ☐ To learn
- ☐ To admit mistakes
- ☐ To apologise if appropriate
- ☐ To address any issues raised
- ☐ To change Federation practice if appropriate

In using this procedure:

- staff are asked to be aware that complainants may feel intimidated by the school as an institution and unsure whether they will be treated fairly
- complainants are asked to be aware that those complained about, especially individual members of staff, may feel very vulnerable during this process
- Throughout the procedure, therefore, the aim of all parties should be not only to resolve the complaint but also to develop and sustain good relationships between all members of the school community. However formal or serious the complaint, or however dissatisfied the complainant, the aim will always be reconciliation between all parties and a renewed commitment to work together amicably. The gospel values of justice and forgiveness should always underpin the entire process.

The Formal Procedure:

There are three stages to the formal procedure

Stage 1: The complaint is heard by a member of staff (not the subject of the complaint)

N.B at this stage the aim is to resolve the complaint at this level.

The designated Complaints Officer are:

Barking School: Mrs. Caroline Wilson

Dagenham School: Mrs. Alex Hinton

All complaints will be addressed to the appropriate officer for the school as above.

The complaints officers will either hear a complaint personally or, where appropriate, refer the matter to another member of staff. The co-ordinator will also keep records of each complaint and of action taken in regard to it (preferably using an agreed proforma e.g. as in Appendix A) so that the senior managers and governors of the school can be kept informed of all issues that arise and as a result can change or develop school practices where necessary or appropriate. Thus complaints about the school can be used positively as a self-evaluation tool.

Outline of stage 1:

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- 1.1 The complaint should be addressed in the first instance to the designated complaints officer. This may be done in person, by telephone or in writing.
- 1.2 The complaints co-ordinator will log the complaint (See Appendix A for a sample record form) and either investigate the complaint personally or refer it to an appropriate member of staff. In making this decision, the co-ordinator will be sensitive to any indication that the complainant would have difficulty discussing the complaint with a particular member of staff.
- 1.3 If the complaint concerns the head of school, the co-ordinator should refer it to the Executive Headteacher. If the complaint is about the Executive Headteacher complaints officer should refer it to the chair of governors. In courtesy, for either of these scenarios the head of school/executive should be informed that this has been done. If the complaint concerns the chair of governors, the co-ordinator should refer it to the vice-chair.
- 1.4 Whoever investigates the complaint will:
- ☐ establish what has happened so far, and who has been involved;
 - ☐ clarify the nature of the complaint and what remains unresolved;
 - ☐ meet with the complainant or contact them (if unsure or further information is necessary);
 - ☐ clarify what the complainant feels would put things right, clearing up any areas of misunderstanding, identifying areas of agreement and discussing what might be possible;
 - ☐ interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish (- this should include adults and pupils as appropriate, whether main players or witnesses-);
 - ☐ conduct each interview with an open mind and be prepared to persist in the questioning;
 - ☐ keep notes of each interview.
- 1.5 **Timescales.** Within ten school days of receiving the complaint, the investigator will complete the investigation and contact the complainant to arrange a meeting. (See 1.6). At any point in the process, the complaints co-ordinator may decide or agree to commission a further investigation, whether by a member of staff or an independent person. If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.
- 1.6 When the investigation is complete, the member of staff investigating will meet the complainant to try to resolve the complaint. **Every effort should be made to try to resolve the complaint at this meeting.** Any of the following may be appropriate at this point:
- an acknowledgement that the complaint is valid in whole or in part;
 - an apology;
 - an explanation;
 - a clarification of misunderstandings;
 - an admission that the situation could have been handled differently or better;
 - an assurance that the event complained of 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.

Some of the above may require that the investigator seek authority from the head teacher. Naturally, nothing should be offered or promised that cannot be justified or fulfilled.

- 1.7 If the complaint cannot be resolved, the complainant may refer it to Stage 2.

Stage 2: The complaint is heard by the Head of School

- 2.1** Where a complaint has not been resolved at Stage 1, it will be referred to the Head of School **unless** the original complaint concerned either the head of school, executive headteacher or the chair of governors in which case the complainant may refer it straight to Stage 3.
- 2.2** The head of school will either investigate the complaint personally or refer it to another senior member of staff (who has not so far been involved) or arrange for an independent investigation if appropriate. At this point it is possible that the complaint will have escalated to include a complaint concerning the manner in which the original complaint has been handled. Both parts of the complaint would in this case need to be investigated.
- 2.3** In conducting the investigation, the investigator will operate in accordance with section **1.4**.
- 2.4** **Timescales:** Within ten school days of receiving the complaint, the investigator will report back to the head of school. Within a further three school days, the head of school will contact the complainant and arrange a meeting. (See **2.5**) At any point in the process, the head of school may decide or agree to commission a further investigation, whether by another senior member of staff or a governor or an independent person (e.g. from the diocese or the Local Authority or another appropriate agency depending on the nature of the complaint). If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.
- 2.5** **When the investigation is complete**, the head of school will consider the evidence and, whether or not he or she investigated the matter personally, will meet the complainant (with or without the person who conducted the investigation if different) to try to resolve the complaint. **Every effort should be made to resolve the complaint at this meeting.** Any of the suggestions in section **1.6** may be appropriate at this point.
- 2.6** If the complaint cannot be resolved, the complainant may refer it to Stage 3.

Stage 3: The complaint is heard by the Governing Body Complaints Appeal Panel

- 3.1** A Complaints Appeal Panel, consisting of three governors, should be appointed annually by the governing body. This panel will have delegated power to hear and finally determine complaints. Ideally, the make-up of the panel should reflect the make-up of the governing body and/or the profile of the pupils in the school. Any governor who has prior involvement in or detailed knowledge of a particular complaint or its investigation may not sit on the panel hearing that complaint. It would be advisable, therefore, for the governing body to agree alternative panel members in case of such a circumstance. In the event that there are insufficient numbers of governors available to participate in a Panel, the Chair of governors or Vice-Chair of Governors as appropriate may appoint associate members, from an agreed partner school according to school policy, to participate solely in the relevant complaints panel.
- 3.2** To trigger Stage 3, the complainant will have been dissatisfied with the school's approach to the complaint in the first two stages and must now put the complaint in writing to the Chair of governors. The Chair will check what has happened so far and, if the procedure has been properly followed and it is appropriate to move to Stage 3, he or she, or a nominated other governor, will - via the clerk - convene a Governing Body's Complaints Appeal Panel. If the original complaint concerned the chair of governors and was referred to the vice-chair at Stage 1, the vice-chair will tell the complainant the name of the nominated governor for a referral to Stage 3. (see section 3.1)
- 3.3** This is the final stage of the school procedure. It is, therefore, vital that, in the spirit of the procedure, the Appeal Panel should:
- ☐ be prepared to hear complaints without preconceptions;
 - ☐ examine and discuss the matter fully so that they ensure that they have every piece of information or evidence that they require;

- ☐ be prepared to commission, organise or conduct further investigations if necessary;
- ☐ give the complainant the opportunity to express their dissatisfaction and worries and to suggest what might put things right;
- ☐ be prepared to take whatever action is required.

3.4 Timescales. The date of the Appeal Panel Meeting should be agreed by all parties within five school days of the receipt of the written referral of the complaint. The meeting itself should be held within fifteen school days of the receipt of the referral. If the complainant or the head of school wishes to submit information in writing to the panel, they should send it to the clerk to the governors at least five school days before the meeting. As far as possible, the meeting should not be delayed if the referral comes at the end of a term, especially at the end of the summer term. Since the aim of the procedure is to resolve the issue and effect reconciliation if necessary, it will be best if the matter can come to the panel as quickly as possible, especially as the complainant will already have been engaged over a protracted period in attempts to put things right.

The Meeting of the Governing Body's Complaints Appeal Panel

3.5 Before the meeting: Members of the panel should consider carefully any documentation from the head of school or the complainant but **should not discuss the matter with anyone, including the other members of the panel, before the meeting.** This is in the interest of fairness and natural justice. The appeal panel must operate scrupulously as an independent arbiter of the complaint.

3.6 Conduct of the meeting – to be borne in mind:

- One of the panel must act as Chair and there should be a clerk for the meeting.
- A member of the Diocesan Education Service/Local Authority may be invited to advise and support the panel.
- The meeting room should be private and as informally laid out as possible in order to encourage a spirit of partnership. It is very important that there should be nothing adversarial about the proceedings. The tone of the whole meeting will be set by the atmosphere of the room in which it is set and by the way people are greeted. Panel members should be sensitive to the vulnerabilities and sensitivities of all concerned. Parents/Carers may be emotional when talking about their child; the head of school and others involved in the earlier investigations may fear that their professionalism could be under attack. Everyone needs to remember that the aim and purpose of the meeting is to resolve the complaint and find ways of going forward together. It is possible that the complainant may not be satisfied with the outcome if the panel does not find in their favour, but the conduct of the meeting can go a long way towards smoothing such dissatisfaction. At the very least, every complainant should feel at the end that their complaint has been taken seriously and examined impartially.
- If the complaint is about the Headteacher or Chair of governors and has been investigated by the Chair of governors or another governor at Stage 2 then that governor may present the case for the school.
- Very special care should be taken if the complainant is a child or if there are child witnesses. Children's views should be given equal consideration to those of adults. If a parent/carer has complained on behalf of a child, the parent/carer should be given the opportunity to say which parts of the meeting the child needs to attend.
- The parent/carer must be told that they are permitted to bring a friend or representative to the meeting.

3.7 Role of the Clerk: The clerk will:

- confirm to all parties in writing the date, time and venue of the hearing;
- receive and distribute any documentation to be read before the hearing;
- meet and welcome all parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision within 3 school days (or as decided by panel). The wording of any letters will be agreed with the chair of the panel.

3.8 Role of the Chair of the Panel: The Chair will ensure:

- that the procedure is properly followed (with the support of the Diocesan Education Service/LA if requested);
- that the procedure for the hearing of the complaint is explained to all parties and that all parties have the opportunity to put their case without undue interruption;
- that the issues are addressed;
- that all parties are put at their ease, especially any who may not be accustomed to speaking at such a hearing;
- that the proceedings are kept as informal as possible and that everyone treats each other with respect and courtesy;
- that the panel operates in an open-minded and independent way; that time is given for all parties to consider any 'new' evidence.

Role of the Diocesan and Local Authority Representatives

To advise the panel on procedure. The Diocesan and local authority officers are there in an advisory capacity only. They do not have a vote and do not participate in the panel's decision-making process.

3.9 Order of Proceedings for the Hearing of the Complaint

- ☐ Welcome, introductions and explanations of the proceedings by the Chair.
- ☐ The complainant is invited to explain the complaint.
- ☐ The headteacher may question the complainant.
- ☐ The panel may ask questions at any time.
- ☐ If there are any witnesses for the complainant, each one is invited into the hearing in turn and in each case the witness is invited to speak, then the headteacher may question them. In each case, the witness will leave after their evidence.
- ☐ The headteacher is invited to explain the school's actions.
- ☐ The complainant may question the Headteacher.
- ☐ If there are any witnesses for the school, they are treated in exactly the same way as the witnesses for the complainant.
- ☐ When the Chair is sure that all parties have asked all that they need to, the complainant is invited to sum up their complaint.
- ☐ The headteacher 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 school days following the day of the hearing.
- ☐ Both parties leave together while the panel decides on the issues (advised by the Diocesan Department of Schools member if there).

3.10 Options Open to the Panel The panel may:

- ☐ 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 that problems of a similar nature do not recur.

3.11 After the Hearing the following actions need to be taken.

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- ☐ The Chair of the panel agrees with the clerk the wording of the letter to be sent to both parties. This must include reasons for the decision and the fact that appeals on points of law or procedure may be referred to the Secretary of State for Education at: The School Complaints Unit, Department for Education, Piccadilly Gate, Manchester M1 2WD. (In the case of Academies any appeal would be to the Education funding Agency). The clerk then ensures that the letter is sent out in accordance with the agreed timescale.
- ☐ The clerk writes up the notes of the meeting and gives a copy to the chair of the panel.
- ☐ The clerk ensures that any recommendation to change school procedures is put on the agenda for the next governing body meeting.

3.12 Vexatious Complaints: If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

It may be necessary to refer to part II of this policy: Vexatious/Persistent Complaints Policy

Using and Publicising the Procedure

The governing body needs to adopt the procedure formally and then to review and re-adopt it annually. They also need to ensure that staff are confident in its use and that it is appropriately publicised to all interested parties, especially parents. It could be included in the school prospectus, sent out with a newsletter or placed on the school's website. It will also be available on the diocesan website.

Recording and Reporting Complaints

In order to turn complaints to positive effect, it is important that records are kept so that at regular intervals (perhaps termly) both the senior managers of the school and the governing body can reflect on issues that have arisen and on the way in which they have been handled. The complaints co-ordinator is the most obvious person to hold these records and to collate them into a report for the head of school (if he or she is not the co-ordinator) and the governing body. Such a report could be a valuable self-evaluation tool. The governing body may also wish to consider reporting to parents any changes which have been made to the school's procedures as a result of parental feedback. (It need not be specified that the feedback was in the form of a complaint!)

Confidentiality

All records of complaints must be kept strictly confidential, except where a legitimate subject access request is made under The Data Protection Act 1998.

Complaints Made Other Than in Accordance with the Procedure

Sometimes a complainant may be unfamiliar with, or unaware of, the complaints procedure; sometimes they may choose to take their complaint straight to governors or to other parties, such as the diocese or the Local Authority. In every such case, the procedure must be strictly adhered to, and the complaint redirected to its proper stage in the procedure. It is, therefore, important that all members of staff and all governors are fully aware of the procedure and that it is publicly available. It is particularly important that governors know that they must not attempt to deal with complaints themselves, but should tell complainants to take their complaint to the school's complaints co-ordinator.

Complaints to Ofsted

The Education and Inspections Act 2006 at s.160 provides a procedure for Ofsted to investigate parents' complaints about a school. A complaint cannot be investigated unless the school's complaints procedure has been exhausted, subject to the Chief Inspector's discretion to waive this requirement.

Complaints to the Secretary of State – The School Complaints Unit

If a complaint has completed the school 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, they may request that the complaint is looked at again.

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 M1 2WD 15

APPENDIX A EXAMPLE OF A COMPLAINT RECORD FORM

(Stage 1 and Stage 2)

PART A - RECORD OF COMPLAINT

Complainant's Name:

Address:

Telephone:

Details of the Complaint:

Date Complaint Made:

Action Already Taken to Resolve the Matter:

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Complainant's View of what might resolve the issue:

PART B - ACTION TAKEN IN ACCORDANCE WITH THE COMPLAINTS PROCEDURE

Complaint Investigated By:

Action (with dates):

Date of formal meeting with complainant:

Outcome of the Meeting:

Stakeholder raising the same complaint or similar complaints repeatedly or seems to be raising a complaint without grounds to cause annoyance or disruption. Staff contact Head of School with evidenced detail of this. Head of School writes to the stakeholder with a copy of this contact and policy explaining why their behaviour is causing concern, and asking them to change this behaviour and actions that the Federation may take if the behaviour does not change.

Stakeholder stops their persistent or vexatious behaviour

Process ends. Federation Complaints Process applies.

Stakeholder does not stop their persistent or vexatious behaviour

The Head of School in consultation with the Executive Headteacher will make a decision and write to the stakeholder.

Action recorded

Letter sent to the stakeholder detailing our expectations going forward and:

1. Why we have taken the decision
2. What action we are taking
3. The duration of that action
4. Their right to comment of that decision
5. The 6 month review
6. The right or the customer to contact the Chair of the Governing Body about the fact that they feel they have been treated as a vexatious/persistent complainant.

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Stakeholder consultation successful

Policy applied

Stakeholder behaviour continues. Police/legal action taken.

Where a complainant continues to behave in an unacceptable fashion, the Executive Headteacher may authorise staff to terminate contact with the complainant and discontinue any further investigation into the complaint. We may also advise the complainant that any further contact provided in writing will be read and placed on file without acknowledgement and telephone calls will be terminated and logged.

Any restrictions that are applied will be evidence based, appropriate and proportionate. Any decision to take action will be taken by the Executive Headteacher. In arriving at a decision the Executive Headteacher will consider any relevant factors such as disability, language or illness. Should the matter concern a children's social care complainant, the final decision to take steps will be made in conjunction with the facts as given by the Designated Safeguarding Lead.

The application of the persistent and vexatious complainant policy to an individual will be reviewed no less than every 6 months. Reviews will be undertaken by the Executive Headteacher. Reviews will take account of the nature of the complainant's recent contact with the Federation, the progress of any complaints under the Complaints Procedure, the views of the complainant and any other relevant factors.

mbh/march 2016

Review date: Spring 2019