

# COMPLAINTS PROCEDURE

## St. Mark's Catholic Primary School



# COMPLAINTS PROCEDURE

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School governing bodies are required under Section 29 of the Education Act 2002 to have a procedure for dealing with complaints.

Note: If governors are approached with a complaint they should be mindful not to act on an individual basis. They should advise any complainant to approach the school in the first instance, thereby triggering formal procedure. Governors should not discuss a complaint with other governors in case they are needed to sit on a Complaints Appeal Panel.

### STEP 1: INFORMAL

Parents / carers are advised to start by telling the class teacher or a member of the senior staff about your concern. This is usually the best and quickest way of resolving issues.

- *It is recommended that you make a proper appointment at the earliest opportunity*
- *The purpose of this appointment should be to establish the nature of the concern and to seek a realistic resolution*
- *The member of staff hearing the concern should make a brief written record of what was said at the appointment*

### STEP 2: ESCALATION

If dissatisfied, the parent / carer should ask for an appointment with a member of the senior staff or the head teacher.

However, if the Step 1 appointment was with the head teacher, the parent / carer will be advised to go to Step 3.

- *The purpose of this appointment is to confirm the nature of the concern and to establish why it could not be resolved under Step 1*
- *The senior member of staff hearing the concern will, unless a ready resolution presents itself, arrange to investigate the concern, undertaking to get back to the parent / carer within an agreed timescale – and making any necessary interim arrangements*
- *The senior member of staff hearing the concern will make a brief written record of what was said at this appointment*

### STEP 3: FORMAL – WRITTEN COMPLAINT ADDRESSED TO THE HEADTEACHER

If still dissatisfied, the parent / carer should write to the head teacher, setting out the nature of the concern and why – in the parent's / carer's view – it has not been resolved at Steps 1 and 2. It can also be helpful for parents / carers to set out what kind of resolution they are wanting.

*The head teacher will:*

- *Establish the position to date, including clarification of the nature of the complaint*
- *Identify what remains unresolved and what the complainant is wanting, if this has not been set out in the letter*
- *Interview all those involved in the matter, allowing for each person to be accompanied according to individual preference*
- *Make written records of each interview*

- *Come to a judgement about the complaint*

*It is likely that the head teacher's judgement will incorporate one or more of the following:*

- *An apology*
- *An explanation*
- *An admission that the situation could have been better handled (NOTE: This is not an admission of negligence)*
- *An assurance that the causal event will not reoccur*
- *An explanation that steps have been taken to ensure that there will be no recurrence*
- *An undertaking to review policies and procedures*
- *A statement to the effect that the complaint had no substance and was therefore unfounded*

NOTE: If a parent / carer is dissatisfied with a decision reached by the head teacher this does not constitute a complaint against the head teacher. However, if there is dissatisfaction about the conduct of the head teacher, then parents / carers are advised to proceed to Step 4.

NOTE: Any complaint about an individual governor should also be dealt with at Step 4.

NOTE: A complaint about the Chair of Governors which has not been resolved at the informal stage will be dealt with outside the scope of this policy. Any complaint about a Chair of Governors should be addressed to: *The Assistant Director of Education and Learning, Endeavour House, 8 Russell Road, Ipswich. IP1 2BX.*

#### STEP 4: FORMAL – WRITTEN COMPLAINT ADDRESSED TO THE CHAIR OF GOVERNORS

If a parent / carer is dissatisfied with the decision reached by the head teacher at Step 3, then the next recourse is a formal letter of complaint to the Chair of Governors. Any complaint to the Chair of Governors must be addressed to: *Mrs. M. Filmer c/o St. Mark's Catholic Primary School, Stone Lodge Lane West, Ipswich, IP2 9HN.*

- *For complaints about the head teacher, the Chair of Governors will arrange for the complaint to be investigated, either by himself / herself or by an independent investigator, and for the process set out under Step 3 to be followed.*

#### STEP 5: FORMAL – GOVERNING BODY HEARING

If a resolution has still not been secured, a parent / carer can ask for the complaint to be heard by the Complaints Appeal Panel of the governing body, sometimes referred to as the Hearings Committee. A parent / carer should write to the Chair of Governors and / or the head teacher, requesting a hearing. The governing body will then make arrangements for the complaint to be heard before a panel of governors.

The governing body Complaints Appeal Panel's decision is final. At this point all steps within the school's complaints procedure are exhausted. However, if parents / carers believe that the governing body has acted unreasonably a complaint made in writing to the Secretary of State for Education at: *The School Complaints Unit (SCU), Department for Education, 2<sup>nd</sup> Floor, Piccadilly Gate, Manchester. M1 2WD. (Telephone: 0370 000 2288)(www.education.gov.uk/schoolcomplaints)*

#### COMPLAINTS NOT RESOLVED THROUGH FORMAL PROCEDURE

If parents / carers believe that a complaint has not been dealt with under proper procedure – or that the school has not acted fairly or reasonably – then the matter may be referred for independent review. The Local Authority has no legal power to deal with most complaints about school but will provide advice.

If parents / carers wish for an independent review, they are advised to write to the Local Authority, attaching a copy of the school's written response: *Strategic Support, Education and Learning, Endeavour House, 8 Russell Road, Ipswich IP1 2BX.*

- *The Local Authority may contact you to confirm details*
- *Initial consideration will be given to the nature and circumstances of the complaint and the procedure followed by the school*
- *The Local Authority will make a recommendation:*  
*Either that a thorough investigation has been properly undertaken by the school and that the school has responded appropriately*  
*Or that the complaint merits further investigation (and will be referred back to the school)*
- *The Local Authority will then notify parents / carers of the recommendation and what will happen next*

#### LIMITATIONS, TIME-LIMITS AND VEXATIOUS COMPLAINTS

Complaints should be investigated and resolved as quickly as possible. Unless there are exceptional circumstances, complaints will be ordinarily rejected if they are not brought within 12 months of the incident / action on which the complaint rests. Exceptional circumstances will be determined by the head teacher.

Allegations of abuse against a school employee must be reported to the head teacher immediately. Allegations of abuse against the head teacher must be reported immediately to the Chair of Governors.

In all cases the Suffolk Safeguarding Children Board *Arrangements for Managing Allegations of Abuse Against People Who Work With Children or Those Who are in a Position of Trust* must be followed.

The great majority of complaints are resolved through informal or formal procedure. However, there are occasions when:

- The complainant remains dissatisfied. If a complainant attempts to reopen the same complaint, the Chair of Governors will write a letter confirming that all steps of the proper procedure have been exhausted and the matter is closed.
- Complainants behave in an unreasonable manner. In such circumstances the school may take action under the arrangements given below.

## PROTOCOL FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS

In circumstances in which complainants behave unreasonably, the school may take action in accordance with this protocol:

### Protocol aims:

- To protect standards of courtesy and reasonableness
- To protect pupil and staff wellbeing, health and safety
- To deal fairly and firmly with those who make persistent, vexatious and / or malicious complaints

### Human Rights:

- The school will seek to ensure that its actions are consistent with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the rights of the complainant and other stakeholders

### Reasonable parent expectations of the school:

- To regularly communicate in writing details of how and when issues can be raised
- To regularly communicate in writing details of the Complaints Procedure
- To regularly communicate in writing details of this protocol
- To respond to parents in a reasonable timescale
- To be available for consultation / discussion within a reasonable timescale
- To respond with courtesy and respect
- To attempt to resolve issues using reasonable means in line with the school's procedures
- To keep complainants informed of progress towards resolution of issues

### Reasonable school expectations of parents / carers:

- To treat staff with courtesy and respect
- To respect the needs and wellbeing of pupils and staff
- To avoid verbal aggression or abuse
- To avoid violence or threats
- To recognise the time constraints under which staff in schools work
- To recognise that resolving an issue can sometimes take time

### Defining a persistent, vexatious or malicious complainant:

- For the purpose of this protocol a persistent, vexatious or malicious complainant is a parent / carer or member of the public who complains about issues, either formally or informally, and whose behaviour is unreasonable [because it continues regardless of prior outcomes / or because it constitutes harassment / or because it is predicated on false allegations]
- Such behaviour may be characterised by:
  - a. Actions which are obsessive, constant, unremitting, harassing or repetitious
  - b. Prolific correspondence or excessive email / telephone contact
  - c. Insistence on pursuing unsubstantiated claims or unrealistic / unreasonable outcomes
- Harassment is defined as the unreasonable pursuit of actions which appear to be targeted on one or more members of staff, cause ongoing distress to one or more members of staff, have a significant adverse effect on the whole school community or on parts of it and / or are pursued in a manner which is perceived as intimidating and oppressive by the recipient. This could include situations in which persistent demands or criticisms, whilst not particularly taxing when viewed in isolation, have a cumulative effect over time, undermining confidence and detrimental to wellbeing

### The school's response:

- In the first instance the school will verbally inform the complainant that his / her behaviour is becoming unreasonable and that, if it is not favourably modified, it might lead to action in accordance with this protocol
- This will be confirmed in writing
- If the behaviour is not favourably modified, the school will take some – or all – of the following actions:
  - Inform the complainant in writing that his / her behavior is now considered to be unreasonable and, therefore, to fall under the terms of this protocol
  - Inform the complainant that all meetings with school staff will be

conducted with a second person present and that notes will be taken in the interest of both parties

- Inform the complainant that, except in emergencies, all routine communication with the school must be by letter only
- (In the case of verbal or physical aggression / assault refer to the Joint School-LA-Police guidance - *Dealing with Abuse, threats and Violence towards school Staff*)
- Inform the complainant that the school is considering a bar from the premises under Section 547 of the Education Act 1996
- Inform the complainant that, having considered a bar from the premises under Section 547 of the Education Act 1996, a bar is now being enforced and will be reviewed in due course
- Inform the complainant that the school is pursuing a case against him / her under anti-harassment legislation