

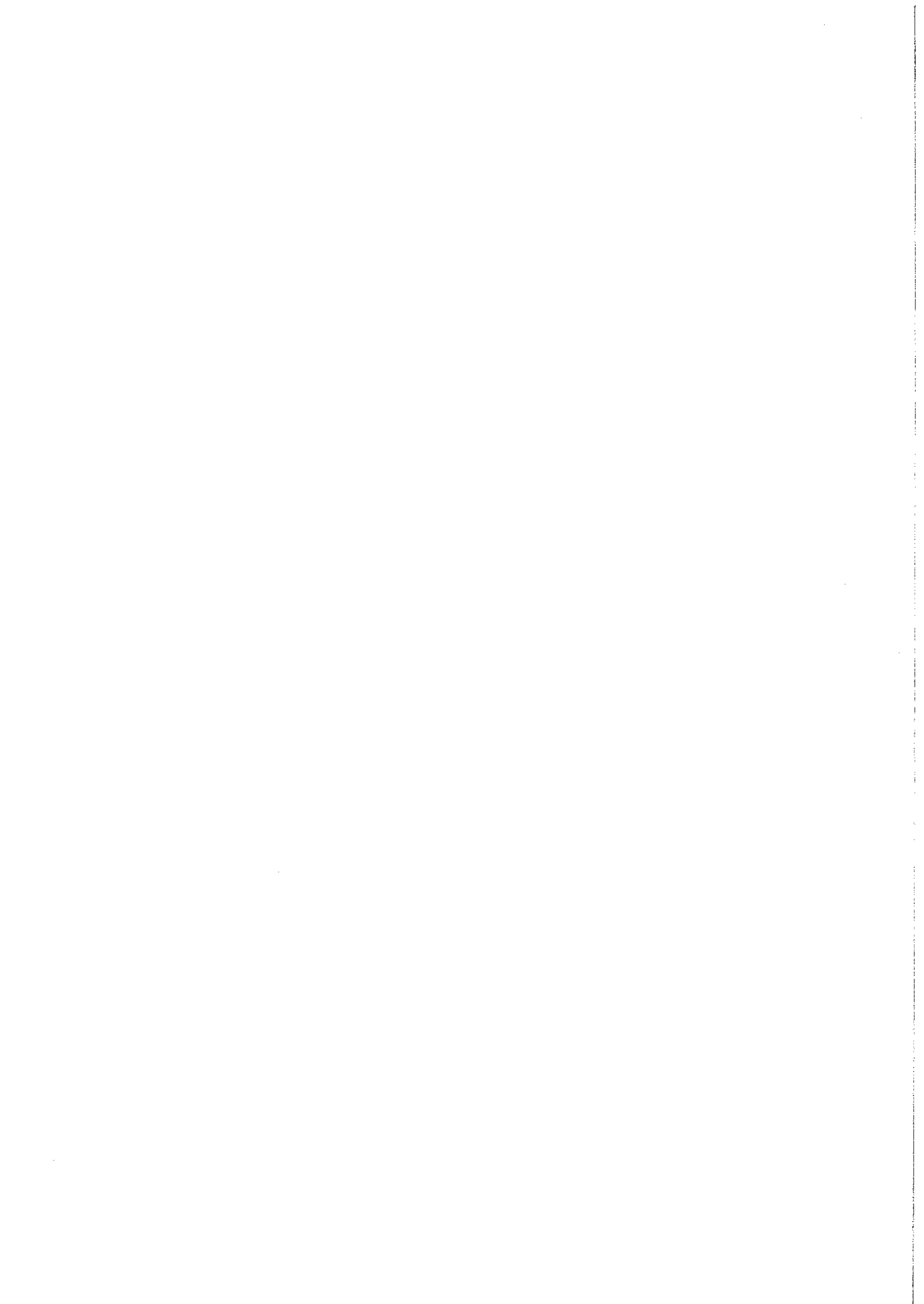




St Mary's Church of England School,
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Complaints Policy

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|--|---|------|---------|
| DATE APPROVED BY SMNG | January 2019 | | |
| REVIEW DATE Every 1 year | Spring 2020 | | |
| SIGNED HEAD TEACHER |  | DATE | 15/1/19 |
| SIGNED CHAIR OF GOVERNING BODY |  | DATE | 15/1/19 |



1. Background

1.1 Why is there a complaints policy?

1.1.1 Parents and pupils are stakeholders in the educational system. If they are unhappy about something, there should be a clear system and route for them to make the school aware of their concerns – even if all the response entails is an explanation of why something happens in the way that it does.

1.2 What can a complaint be about?

1.2.1 The kinds of issues that might lead to a formal complaint being made may include:

- Staff conduct
- Teaching and learning
- Bullying
- The school environment
- Decisions about exam entries
- Discrimination

1.3.2 In each case the responsibility for action lies with St Mary's, Norwood Green. In some cases a complaint may lead to a disciplinary or an appeal against a decision governed by another process in which case it may be appropriate for the issue to be dealt with separately from the complaints procedure.

1.3.3 Depending upon the nature of the complaint and / or who the complainant is, consent may be required from the individual or individuals who have parental responsibility of the child before any action is taken or information disclosed as per the Data Protection Act 1998.

1.3.4 Anonymous complaints will be assessed on a case by case basis.

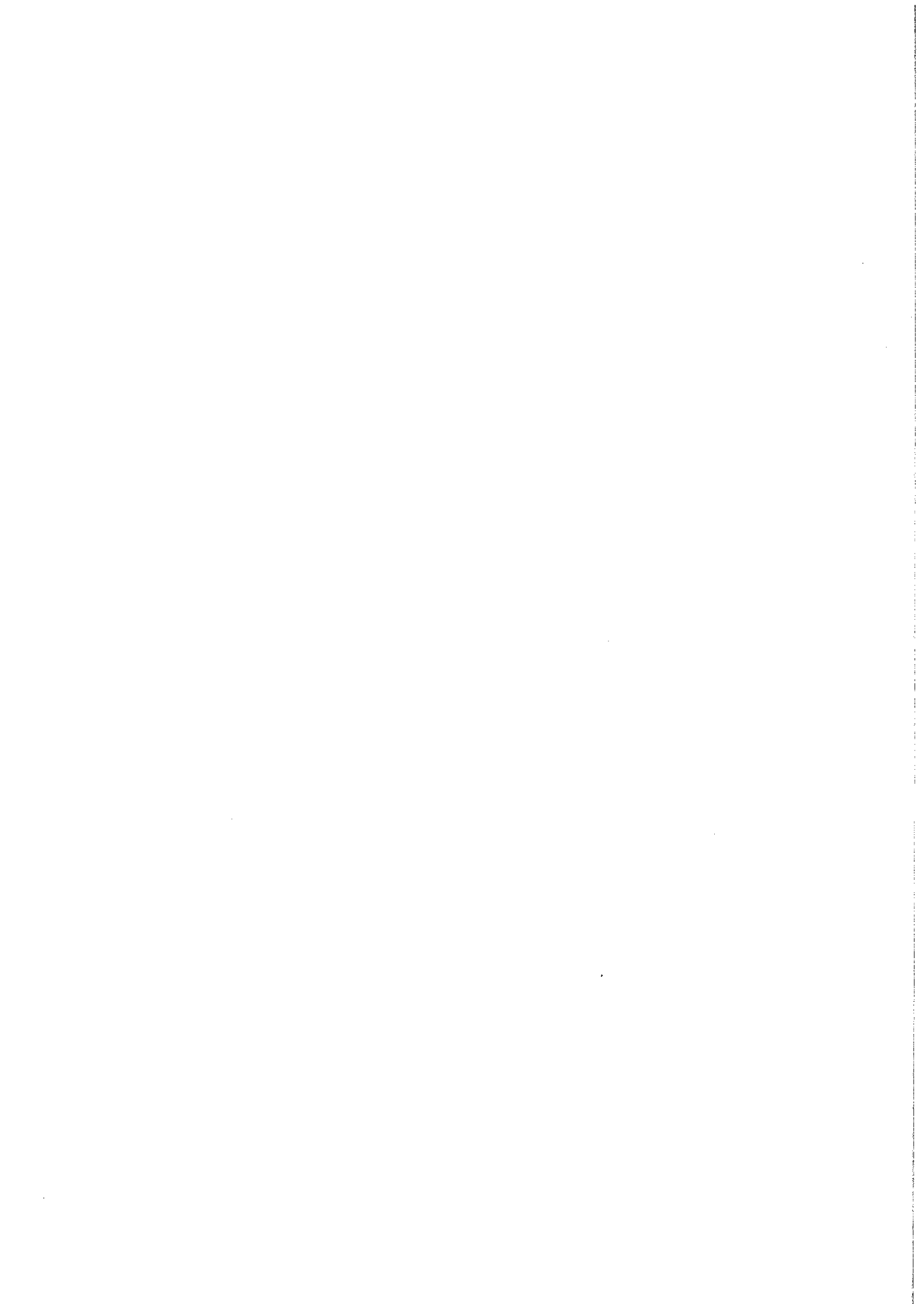
1.3.5 Our complaints form can be used to assist you providing us with the key information required to process your complaint.

1.4 What issues should the complaints procedure not deal with?

1.4.1 Existing statutory bodies, personnel or other procedures already exist for dealing with each of the following issues:

- Complaints about the process for children with special educational needs who are assessed for an EHC
- Disciplinary issues relating to members of staff (although sometimes this may come about as a result of a complaint)
- Allegations of abuse
- Admissions and exclusions
- Child Protection matters

1.4.2 If at any stage of the process, the complainant starts legal action in relation to the matters under considerations, the complaints process will automatically cease and all further correspondence will be with St Mary's, Norwood Green's legal representatives.



1.5 Resolving issues and complaints

1.5.1 Most issues and complaints can be successfully dealt with informally and an effective complaints procedure will encourage this. However, for those situations where this is not the case, we have a more formal process to investigate and deal with complaints. It will also provide St Mary's, Norwood Green with the means to identify an area of concern at an early stage and to tackle it quickly and effectively.

1.5.2 We see it as important to try and reach an early resolution with complainants. This not only promotes closure in the matter but also enables parents and teaching staff to move forward constructively. It might be sufficient to acknowledge that a complaint is valid in whole or in part. It may also be appropriate to offer one or more of the following:

- An apology
- An explanation
- An admission that the situation could have been handled differently or better
- An assurance that the incident complained of will not recur – and an explanation of stages taken to ensure this
- An undertaking to review school policies in light of the complaint
- Asking the complainant what they feel they would like to see happen may help resolve the situation at any stage.

1.5.3 However it may also be the case that the outcome, at any stage of the procedure, concludes that:

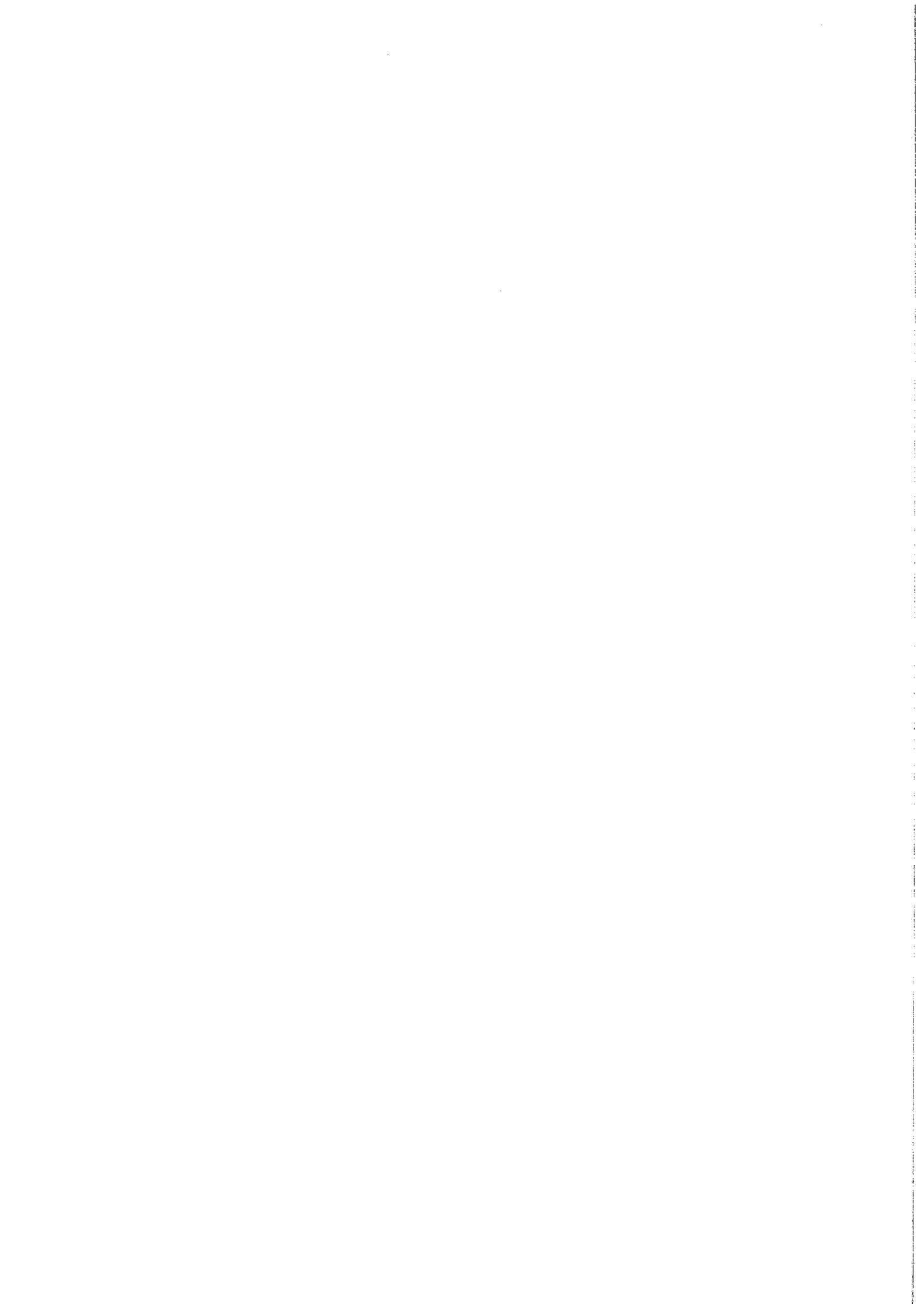
- There is insufficient evidence to reach a conclusion, so that that complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or full. Some details may then be given of action the school may be taking to review procedures etc. but details of the investigation will comply with the Data Protection Act.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential under the Data Protection Act (e.g. where staff disciplinary procedures are being followed).

2. The Board of Trustees Complaints Policy

2.1 The Board of Trustees Policy has four main stages.

2.2 In summary they are as follows:-

- Stage 1
 - A concern is raised informally with an appropriate member of staff. If the matter is not resolved, then it goes to:-
- Stage 2
 - St Mary's, Norwood Green receives a formal written complaint. If the matter is not resolved, then the complaint goes to:-
- Stage 3
 - The Head teacher hears the details of the complaint and arranges a further investigation. If the matter is still not resolved, then the complaint



goes to:-

- Stage 4
 - The Board of Trustees' **Complaints' Panel** for a formal hearing of the complaint.

2.3 Written records of all complaints indicating whether they were resolved at the preliminary stage or whether they proceeded to a panel hearing will be kept.

2.4 Stage 1 – Raising a concern

2.4.1 Concerns can be raised with St Mary's, Norwood Green at any time and will often generate an immediate response, which will resolve the concern.

2.4.2 Apart from St Mary's, Norwood Green's normal Parental Consultation Evenings, or other arranged meetings with specific staff, St Mary's, Norwood Green requests that parents make their first contact with their child's class teacher.

2.4.3 On some occasions the concern raised may require investigation, or discussion with others, in which case there will be an informal but informed response **within a day or two**.

2.4.4 It is anticipated that the vast majority of concerns will be satisfactorily dealt with in this way.

2.5 Stage 2 – Making a complaint

2.5.1 Formal complaints should be put in writing and sent to St Mary's, Norwood Green, addressed to the Head teacher.

2.5.2 The complaint will be logged, including the date it was received.

2.5.3 St Mary's, Norwood Green will normally acknowledge receipt of the complaint **within two working days** of receiving it. In many cases this response will also report on the action the academy has taken to resolve the issue.

2.5.4 Alternatively, a meeting may be convened to discuss the matter further. This meeting will normally take place **within five working days** of the receipt of the formal complaint but in any case within no more than **ten working days**.

2.5.5 The aim is to resolve the matter as speedily as possible.

2.6 Stage 3 – Further Investigation

2.6.1 If the matter has not been resolved at Stage 2, or it is felt that the matter is too serious to be dealt with at Stage 2, the Head Teacher, or another designated member of staff, will undertake a further investigation.

2.6.2 Following the investigation, St Mary's, Norwood Green will normally give a **verbal or written response within five working days but in any case within no more than ten working days**.

2.6.3 ***N.B.** In cases where the matter concerns the conduct of the Head Teacher, both the Board of Trustees and the Head Teacher will be informed of the complaint and the Trustees will arrange for the matter to be further investigated in accordance with Stage 4 of the Complaint's Procedure. St Mary's, Norwood Green will normally give a response **within five working days but in any case within no more than ten working days**.

2.7 At each stage of the process the complainant will be asked to confirm whether or not the matter has been resolved.



2.7 Stage 4 – Complaints’ Panel

- 2.7.1 If the matter has still not been resolved at Stage 3, then St Mary’s, Norwood Green will advise the complainant of the right to refer to the Board of Trustees ***who will establish a panel of at least 3 people who have not been directly involved in the matters detailed in the complaint.***
- 2.7.2 Complainants should send their written complaint to the Chair of Trustees asking for the matter to be considered by the ***Trustees’ Complaints’ Panel*** with delegated powers to hear complaints.
- 2.7.3 The hearing will normally take place **within ten working days** of the receipt of the written request for Stage 4 investigation.
- 2.7.4 ***The panel will consist of 2 Trustees and one person who is independent of the management and running of the school.***
- 2.7.5 ***Parents will be allowed to attend the panel hearing and may be accompanied if they so wish.***
- 2.7.6 The aim of the panel hearing is to impartially resolve the complaint and to achieve reconciliation between St Mary’s, Norwood Green and the complainant.
- 2.7.7 All parties will be notified of the Panel’s decision in writing within **five working days** after the date of the hearing. The letter will also contain details of any further rights of redress available.
- 2.7.8 ***The panel will make findings and recommendations and these will be sent by electronic mail or otherwise to the complainant and where relevant, the person complained about. They will also be available for the Head Teacher and the Chair of Trustees to inspect.***
- 2.7.9 **Please note:**
- **Written records are kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing.**
 - **All correspondence, statements and records of complaints are to be kept confidential** (except where the Secretary of State or a body conducting an inspection under section 163 of the 2002 Act requests access to them).
 - **The Trustees’ hearing is the last school-based stage of the complaints’ process.**

2.8 Appealing a Complaint’s Panel Decision Relating to the Head teacher’s Conduct

- 2.8.1 If a matter relating to the conduct of the Head teacher has not been resolved at Stage 3, then St Mary’s, Norwood Green will advise the complainant of the right to refer to the Board of Trustees who will establish a panel of at least 3 directors who have not been directly involved in the matters detailed in the complaint.
- 2.8.2 **The procedure set out in 2.7.2 to 2.7.8 will be followed.**
- 2.9 If a complainant is unhappy with the findings of the Complaints Panel the complainant may appeal to Department of Education, Piccadilly Gate, Store Street, Manchester, M1 2WD, on the grounds that the Board of Trustees has failed to discharge a statutory duty or that the Board of Trustees had acted, or was proposing to act, unreasonably.
- 2.9.1 (This also applies to a Complaints Panel Hearing convened by the Board of Trustees.)

3. Monitoring, Evaluation and Review



- 3.1 The Board of Trustees monitors the complaints procedure, in order to ensure that all complaints are handled properly.
- 3.2 The Head teacher logs all formal complaints received by the school and records how they were resolved.
- 3.3 Trustees examine this log on a termly basis and consider the need for any changes to the procedure on an annual basis.
- 3.4 The Board of Trustees examines this log on an annual basis. The policy will be promoted and implemented throughout St Mary's, Norwood Green.

4.0 Vexatious complaints overview

- 4.1 The term 'vexatious' can reach wider than complaints.
- 4.2 It is not appropriate to make personal accusations or attacks on members of school staff, or to raise matters that are not about education or a child's well-being. It is also not appropriate to make unsubstantiated allegations against the school, or to behave unreasonably by not engaging with the school to attempt a joint resolution.
- 4.3 A good complaints procedure can help limit the number of protracted complaints. If a complainant attempts to reopen issues that have been dealt with through the complaints procedure it should be explained that the procedure has been exhausted.
- 4.4 If a complainant acts unreasonably by continuing to raise similar issues or raising a range of unrelated issues on a repeated basis, then St Mary's, Norwood Green can reserve the right not to respond.
- 4.5 St Mary's, Norwood Green may take steps to limit or in some way ration contact for example:
 - directing the parent to a specific teacher or other member of staff as a contact point.
 - responding to the complainant at specific intervals.
 - informal or formal written warnings given as to future behaviour and the consequences of that behaviour.
- 4.6 In these instances however, care should be taken not to dismiss any new complaints that have been raised alongside previous complaints.
- 4.7 Any new issues should be addressed separately under the relevant stage of the complaints procedure and a continued dialogue with St Mary's, Norwood Green is seen as extremely important as part of ensuring the best possible outcomes for children and a significant benefit of doubt should be given to parents / carers.
- 4.8 If a complainant in this category refuses to engage in St Mary's, Norwood Green's formal complaints procedures, but continues to complain, then the head teacher or chair of Trustees will consider informing the complainant that the complaints are vexatious.
- 4.9 If the complainant believes that St Mary's, Norwood Green has acted unreasonably they may appeal to the Department for Education.



Appendix 1: Formal Complaints Procedure

5.0 Stage 2: Complaint Heard by Staff Member

- 5.1 It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and St Mary's, Norwood Green can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedure, they know what to do when they receive a complaint.
- 5.2 St Mary's, Norwood Green respects the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complainant can be referred to another staff member. Where the complaint concerns the Head Teacher, the complainant would be referred to the Chair of Trustees.
- 5.3 Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the school may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.
- 5.4 Where the first approach is made to a trustee, the next step is to refer the complainant to the appropriate person. In normal circumstances Trustees will not be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

6.0 Stage 3: Complaint Heard by Head Teacher

- 6.1 At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint.
- 6.2 The Head Teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

7.0 Stage 4: Complaint Heard by the Board of Trustees Complaints' Panel

- 7.1 If still dissatisfied the complainant should write to the Chair of Trustees giving details of the complaint.
- 7.2 The Chair, or a nominated trustee, will convene a Board of Trustees complaints panel consisting of at least three people none of whose members will have been directly involved in the matters detailed in the complaint. ***One of the members of the panel must be independent of the management and running of St Mary's, Norwood Green.***
- 7.3 ***The Trustees' panel hearing*** is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.
- 7.4 Individual complaints would not be heard by the whole Board of Trustees at any



stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

8.0 The Remit of the Complaints' Panel

8.1 The panel can:

- 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 St Mary's, Norwood Green's systems or procedures to ensure that problems of a similar nature do not recur.

8.2 There are several points which any trustee sitting on a complaints panel needs to remember:

8.2.1 It is important that the appeal hearing is independent and impartial and that it is seen to be so. No trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Trustees need to try and ensure that it is a cross-section of the categories of trustee and sensitive to the issues of race, gender, gender orientation and religious affiliation.

8.2.2 The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the St Mary's, Norwood Green and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

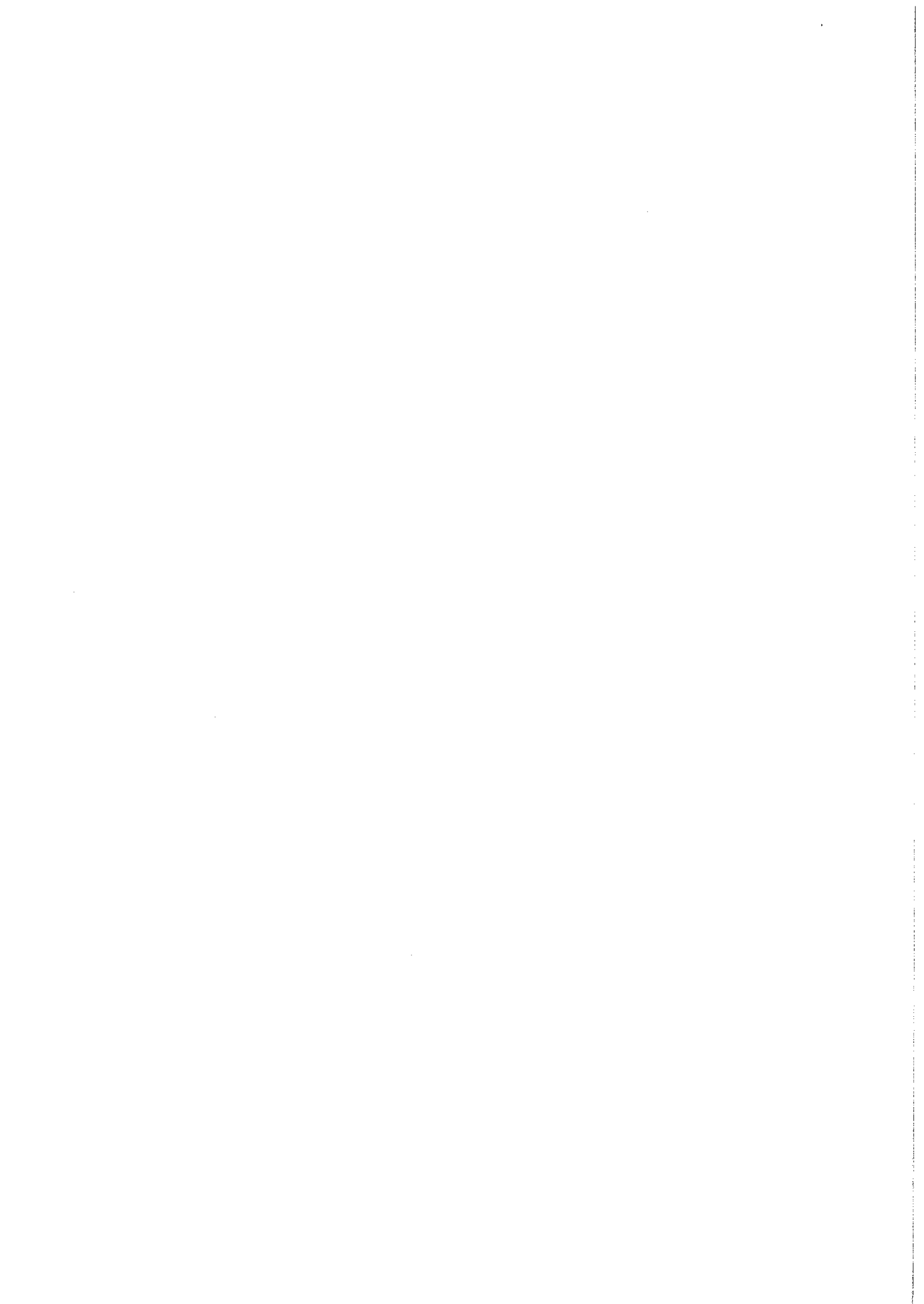
8.2.3 Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

8.2.4 Where the complainant is a parent they should be allowed to attend the panel hearing, and, if they wish, to be accompanied.

8.2.5 The Trustees sitting on the panel need to be aware of the complaints procedure.

9.0 Roles and Responsibilities

9.1 The Role of the Clerk



- 9.1.1 The Clerk is the contact point for the complainant and required to:
- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
 - collate any written material and send it to the parties in advance of the hearing;
 - meet and welcome the parties as they arrive at the hearing;
 - record the proceedings;
 - notify all parties of the panel's decision

9.2 The Role of the Chair of the Board of Trustees or the Nominated Trustee

9.2.1 The Nominated Trustee role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the Clerk to arrange the panel;

9.3 The Role of the Chair of the Panel

9.3.1 The Chair of the Panel has a key role, ensuring that:

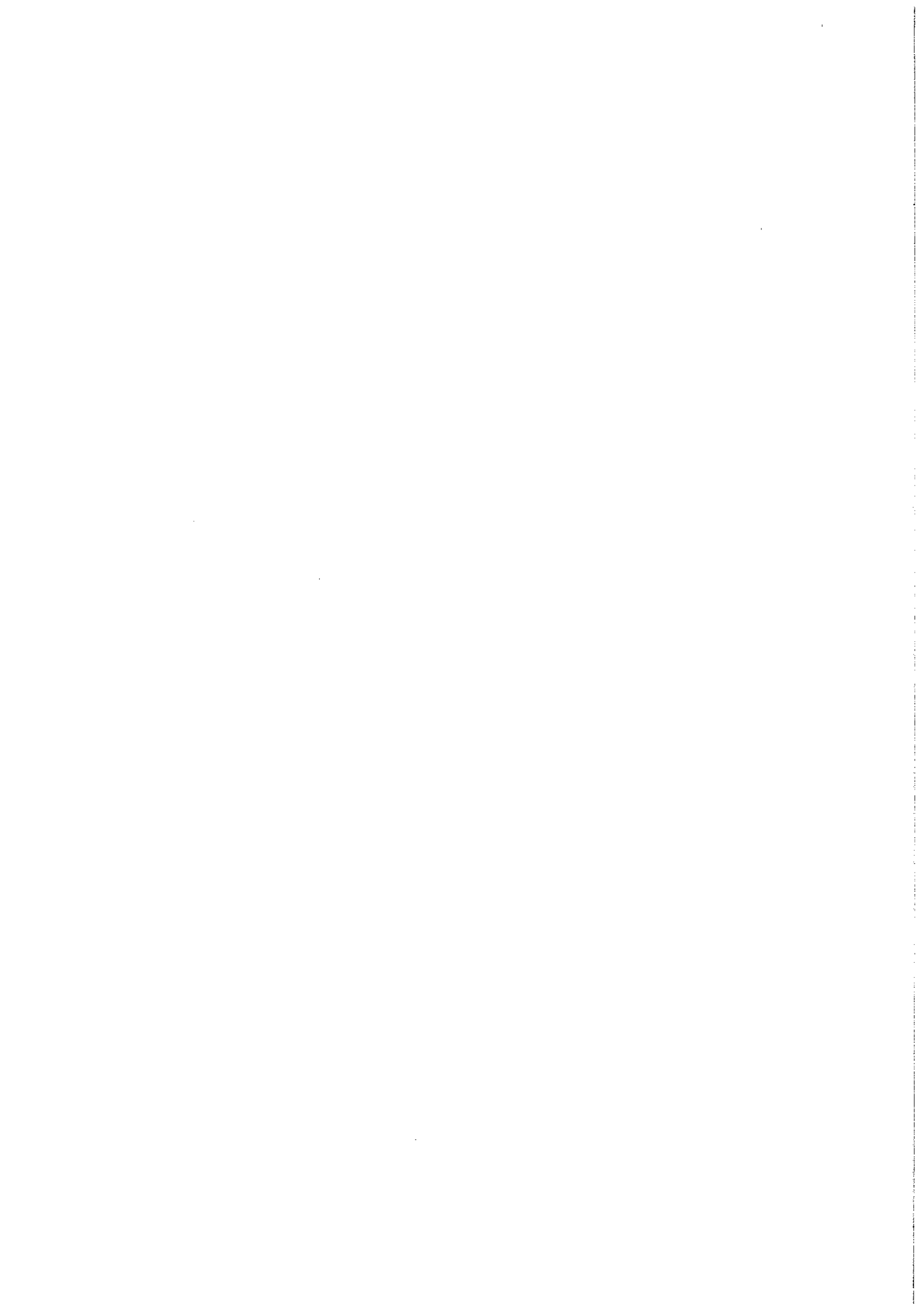
- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it. All relevant documentation is kept confidential
- ***recommendations and findings should be recorded and distributed as appropriate.***

9.4 Notification of the Panel's Decision

9.4.1 The Chair of the Panel needs to ensure that the complainant, Chair of Trustees, and where relevant, the person complained about is notified of the panel's decision, in writing, within **four weeks**.

9.4.2 The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Appendix 2: Complaint form



Please complete and return to (Complaints co-ordinator)
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 acknowledgement sent: By who: Complaint referred to: Date: |

Appendix 3: Model Letters



Letter of Acknowledgement to Complainant regarding establishment of a Board of Trustees Complaints Panel

Dear

Parental Complaint from Mr/Mrs/Ms/Miss

I am writing with regard to your complaint, which has been passed to me by the Chair of Trustees/Name of Designated Trustee and will now be considered by a panel of Trustees under the schools complaints procedure. The panel must consider your complaint within 10 working days of receiving it, and give you at least five days notice of the date of the meeting. The panel have asked me to invite you to attend a meeting at (time) on (date) at the school, (or other venue as appropriate). You are entitled to have a friend or a representative attend this meeting with you.

I have enclosed copies of the relevant correspondence, reports and documentation about the complaint with this letter.

Please let me know if:

- there is any other documentation you wish the panel to consider
- there are any witnesses you want to bring to the meeting
- you want to have a friend or representative with you
- you are unable to attend on this date

You can contact me by writing to....., or by telephoning me on (number), or by email at

I enclose a copy of the 'Procedure for a Board of Trustees Complaints Panel Hearing' for your information.

Yours sincerely

Clerk of the Board of Trustees Complaints Panel



Letter from Chair of Board of Trustees Complaints Panel to Complainant following Hearing

Dear

Parental Complainant from Mr/Mrs/Ms/Miss

Thank you for attending the hearing of the Board of Trustees Complaints Panel on I am writing on behalf of the Panel to let you know its conclusions.

The Panel has given careful consideration to your complaint about, which raises the following issues:

- 1.
- 2. etc

The Panel's conclusions are as follows:

Issue 1

As regards your complaint that, the Panel considered the following factors:

.....
.....
.....

In the light of these considerations, the Panel does/does not uphold this aspect of your complaint.

Issue 2

As regards your complaint that, the Panel considered the following factors:

.....
.....
.....

In the light of these considerations, the Panel does/does not uphold this aspect of your complaint.



In addition to its conclusions on your complaint, the Committee will also be making the following recommendations to the Board of Trustees:

.....

.....

(N.B. There is no obligation to make recommendations)

This completes the Panel's conclusions.

Finally, please note that the hearing of the Board of Trustees Complaints Panel and the appointed documentation must be treated as confidential by all parties, including yourself.

If you are unhappy with the findings of the panel you may appeal to Department of Education, Piccadilly Gate, Store Street, Manchester, M1 2WD on the grounds that the Board of Trustees has failed to discharge a statutory duty or that the Board of Trustees had acted, or was proposing to act, unreasonably.

Yours sincerely

Chair of Board of Trustees Complaints Panel

