

St Mary's School and College

School Complaints Policy

Policy written for	<i>Principally aimed at an external audience, e.g., parents, carers, CYP, stakeholders and contractors. This is for information for all staff at St Mary's School and College.</i>	
Lead Member of staff	Title: Head of Business	
Rationale	<ul style="list-style-type: none"> To offer a clear mechanism for the policy audience to engage effectively with St Mary's with feedback. 	
The Aim of this policy	<ul style="list-style-type: none"> To become a learning organisation that uses a robust method to enable complaints and feedback to come into the organisation. This policy has been developed under the influence of the Department for Education guidelines on School Complaints Toolkit 2014. 	
Persons with particular responsibilities	<ul style="list-style-type: none"> Chair of Governors Principal Senior Leadership Team (SLT) 	
Monitoring and Evaluation	<p>This policy is reviewed every two years.</p> <p>A clear quality assurance process will be attached to this policy, that will include:</p> <ul style="list-style-type: none"> A staff guide to handling and administering complaints will accompany this policy and will set out how complaints and feedback will be co-ordinated and stored Annual policy review Complaints and feedback monitoring as a standard report SLG for information and action where necessary Report back to Governor meetings Publishing statistics on the school website 	
Relevant statutory guidance, circulars, legislation and other sources of information	<p>Useful links:</p> <ul style="list-style-type: none"> https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/346867/School_Complaints_Toolkit_2014.pdf 	
Copies of this policy may be obtained from	<ul style="list-style-type: none"> The St Mary's website www.stmarysbexhill.org It is available as a hard copy on request from Reception/staffroom 	
Participants and consultees in the formulation of this policy were	Senior Management	X
	Staff	X
	Parents	
	Other Stakeholders	X
	Governors	X
	N/A	
Other Participants and Stakeholders		

Introduction – Complaints roadmap 3

Part I: General Principles of Complaints

1. Dealing with complaints – initial concerns 4
2. Dealing with complaints – formal procedures 4
3. Framework of Principles 4
4. Investigating complaints 5
5. Resolving complaints 5
6. Vexatious complaints 5
7. Time limits 6
8. Cut-off limits 6

Part II: The Complaints Procedure

9. Stage 1 (informal): complaint heard by staff member 7
10. Stage 2 (formal): complaint heard by the Headteacher 7
11. Stage 3 (formal): complaint heard by the Chair of
Governors & Complaints Appeal Panel
12. The remit of the Complaints Appeal Panel 8
13. Checklist for a panel hearing 9
14. Roles and responsibilities 9
15. Notification of the panel’s decision 10

Part III: Managing and Recording Complaints

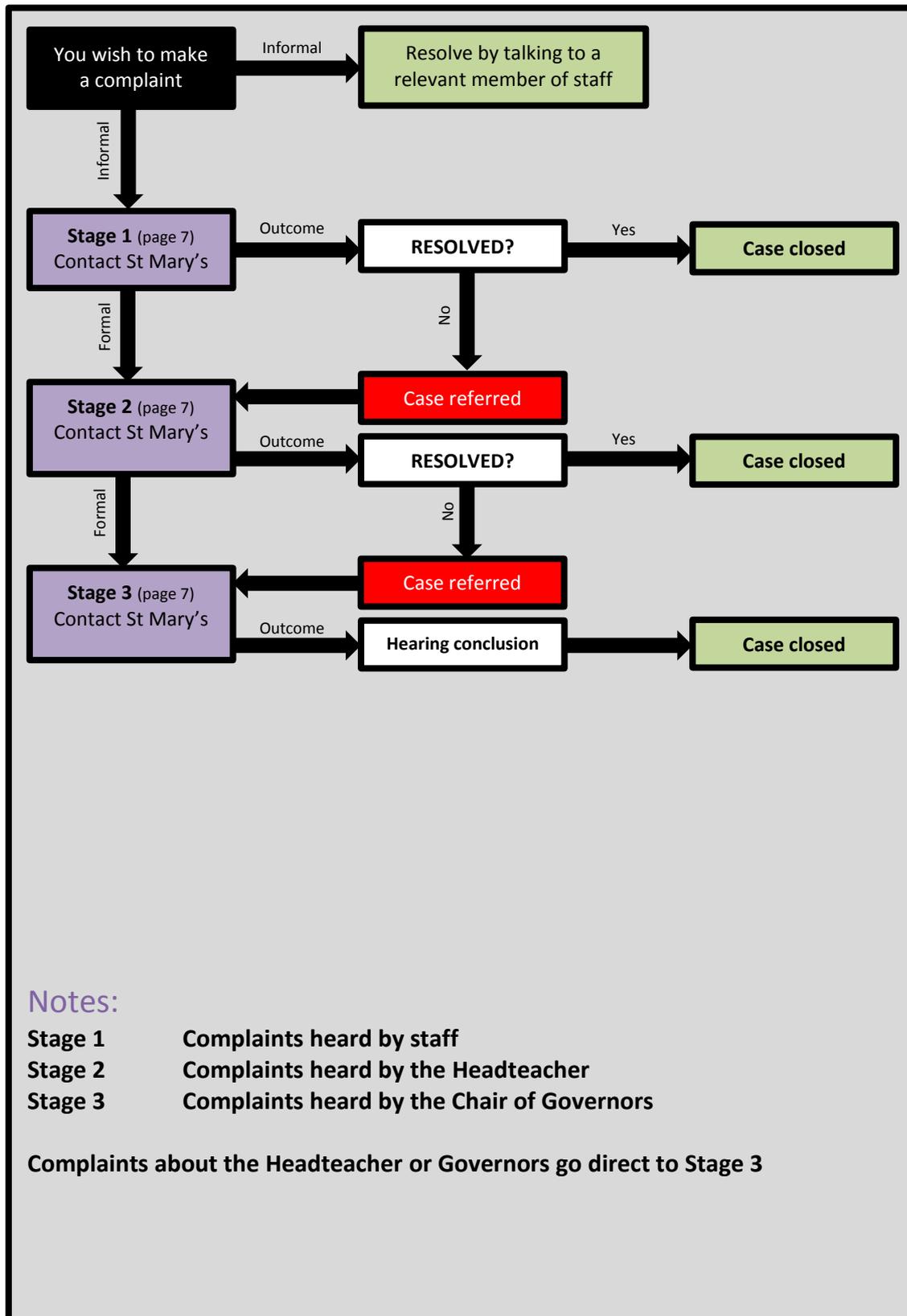
16. Recording complaints 11
17. Governing body review 11
18. Publicising the procedure 11

Forms and contacting us

- Complaints form and contacting St Mary’s 13

Introduction – Complaints roadmap

St Mary’s Complaints Policy at a glance



Part I: General Principles of Complaints

1. Dealing with complaints – initial concerns

1.1 St Mary's needs to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. However, formal complaints should always follow the complaints procedure.

1.2 These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

2. Dealing with complaints – formal procedures

2.1 The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

2.2 St Mary's has a team with responsibility for the operation and management of the school complaints procedure. They are the Administration Team.

3. Framework of Principles

3.1 St Mary's procedure will:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality
- address all the points at issue and provide an effective response and appropriate redress, where necessary
- provide information to the school's senior management team so that services can be improved.

4. Investigating complaints

4.1 It is suggested that at each stage, the person investigating the complaint (the Administration Team), makes sure that they:

- 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
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview or arrange for an independent note taker to record minutes of the meeting.

5. Resolving complaints

5.1 At each stage in the procedure, St Mary's will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may 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 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.

5.2 It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the St Mary's could have handled the situation better is not the same as an admission of negligence.

5.3 This procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

6. Vexatious Complaints

6.1 If properly followed, the St Mary's complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of St Mary's to respond.

6.2 It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the St Mary's complaints procedure.

7. Time Limits

7.1 Complaints need to be considered and resolved, as quickly, and efficiently as possible. This procedure will expect realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set. The complainant should be sent details of the new deadline and an explanation for the delay. Time limits will be communicated to the complainant at the time of receiving and confirming the complaint.

7.2 The response times for St Mary's are set out below:

- **Acknowledgement** St Mary's will acknowledge a complaint within 48 hours.
- **Clarifying a complaint** In order to understand a complaint fully, initial contact will be made verbally and this will be done with 48 hours of first receiving a complaint.
- **Stage 1 investigation and response time** 15 working days is provided to establishing and responding to a Stage 1 complaint. It is the aim at St Mary's to resolve Stage 1 complaints as quickly as possible.
- **Stage 2 investigation and response time** 15 working days is provided to establishing and responding to a Stage 2 complaint.
- **Stage 3 investigation and response time** 15 working days is provided to establishing and responding to a Stage 3 complaint.

The Complaints Appeal Panel has 5 working days to conclude the findings of a hearing and notify people concerned.

8. Cut-off Limits

8.1 It is arguably reasonable to expect parents and carers to make a complaint as soon as possible after an incident arises but there may be good reasons why a parent or carer has not made a complaint earlier. In light of this, St Mary's will consider exceptions. St Mary's does not have blanket policy of refusing to consider any complaints not lodged within the stated period.

Part II: The Complaints Procedure

The stages of the complaint

9. Stage 1 (informal): complaint heard by staff member

9.1 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 can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they will know what to do when they receive a complaint. St Mary's will respect 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 Administration Team, under the direction of SLT, can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complainant will be referred to the Chair of Governors.

9.2 Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Administration Team, under the direction of SLT, 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.

9.3 Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

10. Stage 2 (formal): complaint heard by the Headteacher

10.1 At this point, the complainant may be dissatisfied with the way the complaint was handled at Stage 1 as well as pursuing their initial complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

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

11.1 If the complainant is not satisfied with the response of the Headteacher or the complaint is about the Headteacher, the complainant should write to the Chair of Governors to request that their complaint is considered further.

11.2 The Chair, or if the Chair has been involved at any previous stage in the process, a nominated governor, will convene a Governing Body complaints panel.

11.3 The Governors' appeal hearing is the last St Mary's-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions.

11.4 Individual complaints would not be heard by the whole Governing Body 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.

11.5 The governing body may nominate a number of members with delegated powers to hear complaints at that stage.

12. The remit of the Complaints Appeal Panel

12.1 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 systems or procedures to ensure that problems of a similar nature do not recur.

12.2 There are several points which any governor sitting on a complaints panel needs to remember:

a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor 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, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.

b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between St Mary's and the complainant. However, it has to be recognised that 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.

c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents and carers often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.

d. 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.

e. The governors sitting on the panel need to be aware of the complaints procedure.

13. Checklist for a panel hearing

13.1 The panel needs to take the following points into account:

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- The Headteacher may question both the complainant and the witnesses after each has spoken
- The Headteacher is then invited to explain St Mary's actions and be followed by the school's witnesses
- The complainant may question both the Headteacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The Headteacher is then invited to sum up the school's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The Chair explains that both parties will hear from the panel within a set time scale.

14. Roles and responsibilities

The role of the clerk

14.1 Any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be 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 (recommended at least five school days in advance);
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

14.2 As best practice, the Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed and if necessary, challenged.

14.3 It is not unknown for complainants to raise additional complaints because they do not agree with the record of the meeting.

The role of the Chair of the Governing Body or the nominated governor

14.4 The nominated governor role:

- Check that the correct procedure has been followed
- If a hearing is requested, liaise with the clerk to arrange the panel.

The role of the Chair of the Panel

14.5 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, carers 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.

15. Notification of the panel's decision

15.1 The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); this is usually within a set deadline. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed. This may be the Local Authority responsible for the placement of the child or the local authority that St Mary's is based, which is East Sussex County Council.

Part III: Managing and Recording Complaints

16. Recording complaints

16.1 St Mary's will record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing, including email. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and St Mary's have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record. The Administration Team is responsible for the records and will hold them centrally.

17. Governing Body Review

17.1 The GOVERNING BODY can monitor the level and nature of complaints, and review the outcomes on a regular basis to ensure the effectiveness of the procedure, making changes where necessary. Complaints information shared with the whole GOVERNING BODY should not name individuals in case an appeal panel needs to be constituted.

17.2 As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, St Mary's will identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GOVERNING BODY can be a useful tool in evaluating St Mary's performance.

18. Publicising the procedure

18.1 There is a legal requirement for school complaints procedures to be publicised. Details of the complaints procedures will be found in updated versions of:

- the school prospectus
- any report/communication from the governors to parents;
- the information given to new parents when their children join the school
- the information given to the children themselves
- the home-school agreement
- school bulletins or newsletters
- documents supplied to community users including course information
- a specific complaints leaflet which includes a form on which a complaint can be made
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance
- the school website.

Complaint Form

Please complete and return to Administration Team who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number: Email address:
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)?

<p>What actions do you feel might resolve the problem at this stage?</p>
<p>Are you attaching any paperwork? If so, please give details.</p>
<p>Signature:</p> <p>Date:</p>
<p>Official use</p> <p>Date acknowledgement sent:</p>
<p>By who:</p> <p>Complaint referred to:</p>
<p>Date:</p>

Please return to:

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