

St Mary's School & College

(part of The Talking Trust)

# Complaints Policy and Procedure

Last Reviewed: June 2019

Next Review:



## **St Mary's School and College**

### **Complaints Policy and Procedure**

**Scope:** This policy covers both the educational and residential aspects of St Mary's School and College.

#### **Principles:**

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 an informal discussion is enough. Sometimes this will include an informal explanation or even a verbal apology if it is appropriate to do so. In every case our staff will try to understand the concern or complaint being raised and assist in resolving the issue.

#### **Policy:**

1. St Mary's School and College welcomes feedback. Where someone has a concern or complaint, we will endeavour at all times to deal with the issues responsibly and reasonably and if necessary, put things right as quickly as possible.
2. Most complaints can and will be resolved using informal processes. Where this is not the case and formal complaints are subsequently made, a fair and consistent framework, as set out below, will be used to manage the process. The policy and procedures set out below are in accordance with the legislation that applies to academies and good practice guidance issued by the Department for Education.
3. Areas excluded from this procedure: Complaints which are covered by other statutory procedures are excluded from this policy. These include but are not limited to exclusions, grievance, admissions and whistleblowing.
4. It is the aim of the Governors that any formal complaints will be treated seriously and with rigour.
5. This complaints policy and procedure has been prepared in accordance with St Mary's School and College's statutory duties to address complaints by parents. All complaints made by parents will be dealt with in accordance with this policy. Where a complaint is made by an individual or organisation who is not the parent of a pupil on roll at St Mary's School and College at the time the complaint is made, the Trust will usually seek to apply the procedure set out below. However, in those circumstances, the trust may use its discretion to vary the procedure as appropriate and will make clear at the outset to the complainant the process that will be followed.

#### **The difference between a concern and a complaint**

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

A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

## **Stages of the Complaints Procedure: INFORMAL STAGE**

**Stage 1a** Informal discussion with the class teacher or other relevant member of staff usually resulting in resolution of the issue.

**Stage 1b** Informal discussion with the Headteacher or other member of senior staff usually resulting in resolution of the issue.

**Action required:** The person making a complaint is informed of the action to be taken to resolve the issue. If they are not satisfied they should be provided with a copy of the St Mary's School and College Complaints Policy and information of how to proceed to stage 2 of the process.

**Further information:** The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved straight away through the class teacher, subject leader, other support staff, senior leader, other member of staff or the Headteacher, depending on whom the parent / complainant first approached, without the need to resort to a formal complaints procedure, and this is preferable for all concerned.

Sometimes, after an initial discussion, a follow up informal conversation with a more senior member of staff can be helpful. Although this stage involves dealing with the issue informally it may prove helpful later, for the person responding to make a record of the issue or complaint raised, which may include notes of conversations (face to face or over the telephone), and the responses made.

The person who raised the issue should be informed of any action taken to resolve the issue. It may sometimes be helpful to confirm undertakings given about future action or monitoring in writing. If the person is dissatisfied with the response they have been given at this stage, they should be provided with a copy of the complaints policy and informed about how to take their complaint to Stage 2.

## **FORMAL STAGE**

**Stage 2:** The complaint is submitted, in writing using the form in appendix 1 of this policy, to the Headteacher or, if the complaint relates to the Headteacher or a decision taken by them, the Chair of Governors.

**Action required:** The Headteacher acknowledges receipt within 7 school days, and an investigation into the complaint is conducted by the Headteacher. If the complaint is against the Headteacher (or a decision made by them) the investigation is conducted by the Chair of Governors. In the absence of extenuating circumstances, the Investigator provides a written response to the complainant usually within 20 school days, including the findings of the investigation and the reasons for those findings. Information will also be provided on how to progress the complaint to stage 3 if the complainant remains unsatisfied. Should this be the case, any further complaint should be made within 10 school days following receipt of the investigator's letter.

**Stage 3:** The complaint is submitted for review or further investigation, in writing, to the Chair of Governors.

**Action required:** The Chair of Governors acknowledges receipt within 7 school days, and a further investigation into the complaint may be conducted by them, or a review of the investigation at Stage 2 may occur. In the absence of extenuating circumstances, the Investigator provides a written response to the complainant, usually within 20 school days,

including the findings of the investigation and the reasons for those findings. Information will also be provided on how to progress the complaint to stage 4 if the complainant remains unsatisfied. Should this be the case, any further complaint should be made within 10 school days following receipt of the investigator's letter.

**Further information about Stage 2 and Stage 3:** When making a complaint in writing, it should include information about the reason for the complaint and also what the complainant would like to happen as a result of the complaint. The trust expects complaints to be submitted within six weeks of the incident in question. If a complaint is submitted later, the complainant will need to explain why they have not submitted it within the stated period. Additional time can be given in exceptional circumstances. If further clarification in relation to the complaint itself is required, the complainant will be asked to provide this. The investigator may need to meet with the complainant in person.

**Stage 4:** Complainant writes to the Chair of Governors, requesting that the complaint or review of the complaint is heard by a complaints panel.

**Action required:** Chair arranges for a complaints panel to meet between 12 and 20 school days from receipt of letter and informs complainant of findings within 5 school days of hearing.

**Further information:** Complaints only very rarely reach this formal and final level. The Board of Governors is the accountable body for St Mary's School and College. Therefore a panel will usually include at least 2 Governors. The Chair of Governors would not normally be involved in the panel if they have been involved at the previous stage. In addition, at least one individual who is not a governor or member of staff at St Mary's School and College will be appointed as a panel member. This is likely to be a governor from a neighbouring school. The complainant will be advised to provide any documentation they wish the panel to consider 5 days prior to the hearing. The hearing will be minuted and all relevant correspondence and notes will be kept on file by the trust. The panel will invite the complainant to attend the hearing. In addition, any member of staff or governor who is the subject of the complaint is likely to be invited to attend separately and to provide information to the panel. The complainant will be given reasonable notice of the proposed date and time of the hearing. The school will use reasonable endeavours to arrange the panel hearing for a date and time which is suitable for the parents, as well as the panel and the school. The complainant may bring a family member or friend to support them. It may also be that the panel need to obtain additional information or advice before reaching their conclusion.

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 the school's systems or procedures to ensure that problems of a similar nature do not recur

**Historical Complaints:** Where a complaint is made that concerns a historical action or incident, it will not normally be taken forward. We define historical as more than 3 months ago.

**Unreasonable Complaints:** Where a complaint is considered to be vexatious, serial, repetitive or spurious, the investigator will write to the complainant explaining why the complaint is not being taken forward and informing them that they have the right to refer this decision to the Chair of Governors.

**Support for employees who have been the subject of a complaint:** In the first instance, staff members who have been subject to a complaint should seek support from their line manager or another senior member of staff. The day to day running and organisation of the school and the allocation of staff within the school is the responsibility of the Headteacher of School as delegated by the Board of Governors. Staff who have any concerns relating to these areas should refer to the Trust's grievance and workplace conflict policy. The Headteacher has the delegated powers on behalf of the governing body to invoke the Trust's Grievance Procedures as is appropriate in staffing issues.

This policy is monitored on a day-to-day basis by the Headteacher, who reports to governors about the effectiveness of the policy on request.

This policy is published:

✓ St Mary's website

✓ Firefly