

**St Mary's Catholic Primary School**  
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# **Complaints Policy**

## **2018 - 2020**

**POLICY DETAILS:**

**Legal Status:** Statutory

**Adopted:** May 2017

**Version Date:** October 2018

**Next Review:** October 2020

**Responsible Person:** Headteacher

**Complaints Officer:** Ms Amita Bajaj, School Business Manager

In the absence of the School Business Manager, complaints should be referred to: Mrs Bridget Pratley (Headteacher) or Mrs Susana Marland (Deputy Headteacher).

If there could be a conflict of interests caused by the School Business Manager dealing with an investigation, the complaint will be dealt with by the Headteacher or Deputy Headteacher.

### **Introduction**

Catholic Schools aim to be places where love of one's neighbours is obvious at all times. As St John reports, Christ said to His disciples at the Last Supper, 'This is my commandment, that you love one another, as I have loved you'.

Catholic schools are staffed by teachers who are not only qualified and expert in their own field but who also, having freely chosen to become teachers in a Catholic institution, commit themselves to care for and help children in every possible way in keeping with the Catholic doctrine, principles and ethos of the school. Nevertheless, parents may from time to time raise a concern.

The main purposes of the complaints procedure are:

- To resolve problems
- To give parents a means to raise issues of concern and have them addressed

### **Dealing with Complaints – Initial concerns**

The school aims to clarify the difference between a concern and a complaint; taking informal concerns seriously at the earliest stage should reduce the numbers that develop into formal complaints. The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures.

*When a parent has a concern about their own child, they must discuss this with the class teacher in the first instance before raising a formal complaint.*

### **Dealing with Complaints – Formal procedures**

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.

**The following policy sets out the procedures that the school follows in such cases.**

### **Aims and objectives:**

Our school aims to:

- encourage resolution of problems by informal means wherever possible
- 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 any requests for confidentiality where appropriate
- address all the points at issue and provide an effective response

## Investigating Complaints

Following a complaint, the School Business Manager, Headteacher or Deputy Headteacher 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 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 and if appropriate
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview

## Resolving Complaints

At each stage in the procedure the school will keep in mind the 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 measures will be put in place to prevent a recurrence of the event
- 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

The school will ask complainants to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation differently is not the same as an admission of negligence. At all times the school will be looking to identify areas of agreement and to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## Vexatious Complaints

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 once it has been investigated by the school and deemed as 'No further action necessary', the Chair of the Governing Board will inform them in writing that the procedure has been exhausted and that the matter is now closed.

## Time Limits

The school aims to consider and resolve complaints as quickly and efficiently as possible. Within ten school days of receiving the complaint, the investigator will complete the investigation and contact the complainant to arrange a meeting. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

### **School Time-Limit**

It should be noted that the school has its own time limit on whether a complaint can realistically be investigated if the incident happened more than 28 days ago, unless the complaint was lodged *in writing* on the very last day of the Summer Term, in which case the 28 day rule will not apply. This is because the school does not feel able to investigate an issue, possibly asking for witness statements from staff and pupils, when a considerable amount of time has passed, as memories invariably blur and pupils and staff involved in the incident may even have left the school.

THE FORMAL COMPLAINTS PROCEDURE IN DETAIL:

## **Stage 1 – Complaint heard by School Business Manager**

**NB: The aim is to resolve the complaint at this level.**

- 1.1** The complaint should be addressed in the first instance to the designated member of staff (the School Business Manager). This may be done in person or in writing using Complaint Forms which are available in this policy.
- 1.2** The School Business Manager will log the complaint and either investigate the complaint personally or refer it to an appropriate member of staff. In making this decision, the School Business Manager 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 Headteacher, the School Business Manager should refer it to the Chair of Governors and, in courtesy, inform the Headteacher that this has been done. If the complaint concerns the Chair of Governors, the School Business Manager 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;
- 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;
- conduct each interview with an open mind and be prepared to persist in the questioning;
- ensure all evidence is kept e.g. keep notes of each interview, CCTV footage etc .

### **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.

**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;
- an assurance that measures will in place to prevent a recurrence of the event;
- an explanation of the steps that have been taken to ensure 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 Headteacher. 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 – Complaint Heard by Headteacher

- 2.1 Where a complaint has not been resolved at Stage 1, it will be referred to the Headteacher **unless** the original complaint concerned either the Headteacher or the Chair of Governors in which case the complainant may refer it straight to Stage 3.
- 2.2 The Headteacher 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 Within ten school days of receiving the complaint, the investigator will report back to the Headteacher. Within a further three school days, the Headteacher will contact the complainant and arrange a meeting. (See 2.5) At any point in the process, the Headteacher may decide or agree to commission a further investigation, whether by another senior member of staff or a Governor. 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 Headteacher 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 - Complaint Heard by Governing Board's Complaints Appeal Panel:

### 3.1 Appeal Panel:

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 Board 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 Board to agree alternative Panel members in case of such a circumstance.

### 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 Board'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)

- This is the final stage of the procedure. There is no further redress or appeal.

*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;
- be prepared to take whatever action is required.

### **3.3 Timescales**

The date of the Appeal Panel Meeting should be agreed by all parties within ten 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 Executive Headmistress wishes to submit information in writing or further evidence e.g. CCTV footage etc 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 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 Board's Complaints Appeal Panel***

#### **3.4 Before the meeting:**

- Members of the Panel should consider carefully any documentation or evidence from the Headteacher 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.

#### **3.5 Conduct of the meeting:**

- One of the Panel must act as Chair and there should be a clerk for the meeting.
- A member of the Diocesan Education Department 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 may be emotional when talking about their child. 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.
- 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 has complained on behalf of a child, the parent should be given the opportunity to say which parts of the meeting the child needs to attend.

### **3.6 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. (The wording of any letters will be agreed with the Chair of the Panel.)

### **3.7 Role of the Chair of the Panel:**

The Chair will ensure:

- that the procedure is properly followed;
- 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 treat 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.

### **3.8 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 Panel may question the complainant.
- If there are any witnesses for the complainant, with information relevant to the complaint, each one is invited into the hearing in turn and in each case the witness is invited to speak, and then the Panel may question them. In each case, the witness may leave after their 'evidence'.
- All witnesses should submit a written statement along with the complaint.
- The Headteacher is invited to explain the school's actions.
- 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.

### **3.9 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 prevent problems of a similar nature recurring.

### **3.10 After the Hearing:**

The following actions need to be taken:

- The Chair of the Panel agrees with the clerk the wording of the letter to be sent to both parties. 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 Board meeting.

### **3.11 Vexatious Complaints:**

If the complainant, still dissatisfied, 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.

**PART A - RECORD OF COMPLAINT**

**Complainant's Name:**

**Address:**

**Telephone:**

**Details of the Complaint:**

**(please continue on a separate sheet of paper if necessary)**

**Date Complaint Made:**

**Action Already Taken to Resolve the Matter:**

**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:**

**St Mary's Complaints Form**

**Please complete and return to the School Business Manager, Headteacher or Deputy Headteacher who will acknowledge receipt within 3 school days.**

**Your name:**

**Pupil's name:**

**Your relationship to the pupil:**

**Address:**

**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 being dealt with by:**

**Date:**