

ST COLUMBA'S CATHOLIC BOYS' SCHOOL

**GOVERNORS' POLICY STATEMENT**



# Complaints Procedure

Head Teacher: Mr N Fisher  
Chair of Governors: Mrs J Johnson

Originator Date	May 2018
Review Date (Three Yearly)	Spring 2021

## School Complaints Procedure

**St Columba's Catholic Boys' School is committed to providing the very best education for our students and we want them to be healthy, happy and safe and to do well. Our school vision states our belief that each individual is a unique creation of God. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.**

This policy meets the requirements set out in Part 7 of the Schedule to the Education (Independent School Standards) Regulations 2014, which states that schools must have and make available a written procedure to deal with complaints from parents of students at the school.

This policy complies with St Columba's Funding Agreement and Articles of Association. It also takes account of guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

These Complaints Procedures do not cover complaints relating to the areas shown below as there is separate legislation and formal procedures in place for these types of complaints;

- Admissions
- Exclusions
- Special Education Needs and Disability
- Staff Discipline
- Staff Grievances
- Child Protection and Safeguarding matters
- Whistle-blowing

Please see our separate policies for procedures relating to these types of complaints.

It is expected that all complaints will be referred to the school in the first instance and that all stages will be pursued before considering a referral to the Education, Skills and Funding Agency (ESFA) if a complainant feels that their complaint has not been dealt with appropriately or remains unresolved.

Complainants are encouraged to follow through each stage of the procedure, as appropriate, in order to resolve their concerns.

## Aims and principles of the policy

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good relationships between the school and all those involved

Key principles of this policy are:

- **Accessibility** – the policy will be available on the school’s website and also can be requested from the school office. It will be in a useable format, free from jargon and will assume no specialist knowledge
- **Good communication** – the school will be happy to explain the process for dealing with concerns and complaint
- **Timescales**- there will be clear timescales which the school will make every effort to adhere to. Where timescales have to change, we will ensure complainants are advised of the delay and reasons for this and are given clear revised timescales
- **Clarity** – over roles and responsibilities of those involved in the process and clarity around the desired outcome for the complainant
- **Confidentiality**- appropriate confidentiality will be maintained by all those involved (including and school staff and governors)

The Governing Board will appropriately monitor the nature of the complaints received over each academic year to inform practice and potential improvements to procedures and policies within the school.

## Upholding or not upholding complaints

At each stage of the complaints procedure the conclusion will be either:

That the complaint is upheld (in part or in full) and where appropriate, some form of action is taken or recommendation made

**OR**

That the complaint is not upheld and reason(s) for this, where appropriate, are clearly given

The complainant may choose to take no further action or take their complaint to the next stage.

## The stages of the Complaints Process

*(Flowchart of process at appendix 2)*

### **Stage 1 – Informal Complaint**

Please start by talking to the teacher about your concern. This is usually the best and quickest way of resolving issues.

*It is recommended that you make an appointment to speak to the teacher as soon as possible as this will give both parties the opportunity to talk about the issue without being interrupted*

*It is important to recognise that schools are busy organisations and may not be able to offer an appointment straight away*

*The purpose of this meeting should be to establish the nature of the concern and to seek a resolution to the problem*

*It is good practice for the teacher to make a brief written record of the concerns raised and any actions agreed*

## **Stage 2 – Formal Written Complaint**

If you feel dissatisfied with the outcome of discussions with the teacher or form tutor, you should then contact the Head Teacher by putting your complaint in writing.

*You should use the form attached as appendix 1 to do this.*

The Head Teacher may delegate this to a member of the Senior Leadership Team. The Head Teacher or SLT member will consider the complaint and in doing so will:

- Establish what has happened so far, and who has been involved;
- Meet or contact you if they need further information;
- Clarify what you feel would put things right if this has not been set out in your letter or included on your form;
- Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish;
- Conduct any interviews with an open mind;
- Keep notes of any interview for the record
- The Head Teacher or SLT member will keep in mind ways in which the complaint can be resolved. It may 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 (please note this is not an admission of negligence)
- 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 policies and practice in light of the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

The Head Teacher or SLT member may meet with you to discuss the outcome of their consideration but will in any event send a detailed response within a maximum of twenty school days. Where this proves to be unrealistic, you will be informed in writing and given an estimate of how long it will take to provide a detailed response.

Where you are unhappy about the decision the Head Teacher or SLT member has made about your complaint, this does not become a complaint about the Head Teacher or SLT member.

### **Stage 3 – Governors’ Investigation / Desk-top Review**

If you are not satisfied with the response of the Head Teacher or SLT member, or you have a concern or complaint that is specifically about the Head Teacher which has not been resolved informally, then you must write a formal letter of complaint to the Chair of Governors.

The school will provide you with the Chair of Governors’ name, or you can find it on the school’s website. You should either complete the complaints form or write to the Chair of Governors at the school address, marking any envelope “urgent, private and confidential”.

*The Chair of Governors or the Academy Executive Secretary will acknowledge receipt of the letter within five school days. The acknowledgement will inform the complainant that the Chair of Governors will organise either an investigation by the Chair (or a nominated governor) or a ‘Desk-top’ Review by the Chair (or a nominated governor). The investigation by the Chair (or nominated governor) could include meeting with the complainant, members of staff, members of the SLT, including the Head Teacher and may consider any new material provided by the complainant. In all but exceptional circumstances, it will not include meeting with students.*

*For complaints specifically about the Head Teacher, the Chair of Governors will arrange for the complaint to be investigated, either by themselves or by an appropriate independent investigator.*

*A Desk-top Review is a review of the papers already associated with the complaint raised. The Chair or nominated governor will find that the complaint is either upheld or not. You will be informed in writing of the outcome within five working days of the investigation concluding or Desk-top review having been completed.*

*If you are unhappy with the outcome of the Governors’ Investigation / Desk-top Review you should write to the Academy Executive Secretary stating that you wish to take your complaint to the next stage.*

### **Stage 4 – Governors’ Review Panel**

*Governors’ Review Panel will hear the complaint within twenty working days of receiving the complaint. The Academy Executive Secretary will write to the complainant inviting them to attend and explain that the complainant has the right to submit any further documentation relevant to the complaint. The complainant may bring a friend or someone else for support. If the complainant wishes to be accompanied, the Academy Executive Secretary must be notified at least forty eight hours in advance of the panel meeting.*

*A meeting of the Governors’ Review Panel will be convened. No governor with prior involvement in the issues complained about will be included on the panel.*

*The Education (Independent School Standards) Regulations 2014 requires academies to ensure that at least one member of a Governor Review Panel is independent of the management and running of the academy. The ESFA advice is that the independent member should be someone with relevant experience, for example in management or human resources and with appropriate knowledge of safeguarding procedures as the Governors’ Review Panel may have to consider information relating to vulnerable students. In the first instance. The school will attempt to source Independent Panel members from one of the schools within the Corpus Christi Partnership of Catholic schools.*

*An experienced governor will chair the panel meeting. The Academy Executive Secretary will contact the complainant with the arrangements.*

*Once the panel has been held, the complainant and the school will be informed of their decision within five working days. If it is not possible to meet these timescales then the chair of the panel will contact both parties to discuss a mutually convenient date. Further information on how the panel operates and the process is attached at appendix 3.*

### **Stage 5 – Escalation to the Education, Skills and Funding Agency**

If the complainant remains unsatisfied about the handling of the complaint, they have the right to refer the complaint to the Education, Skills and Funding Agency (ESFA). Complaints to the ESFA must be submitted online through the Schools Complaints Form or by post to Ministerial and Public Communications Division, Department for Education, School Complaints Unit, Piccadilly Gate, Store Street, Manchester, M1 2WD

The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the ESFA finds that the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

Where the complaint is about the school failing to meet standards set by the Department for Education (DfE), in any of the areas listed below and the complainant is unsatisfied with the outcome of the school's complaint's procedure, the complainant can refer their complaint to the DfE.

- Education
- Student welfare and health and safety
- School premises
- Staff suitability
- Making information available to parents
- The spiritual, moral, social or cultural development of students

For more information or to refer a complaint to either the ESFA or the DfE, see the following webpage: <https://www.gov.uk/complain-about-school>.

### **Policy for unreasonable complainants**

St Columba's Catholic Boys' School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The school defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

#### **Examples: A complaint may be regarded as unreasonable when the person making the complaint:**

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance

- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuses to accept that certain issues are not within the scope of a complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- are known to have recorded meetings or face-to-face / telephone conversations without the prior knowledge and consent of other parties involved.
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds (**Care must be taken not to discard new issues which are significantly different from the original complaints. These may need to be addressed as separate complaints**)
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- are unwilling to accept that the Governors' Review Panel has reached a final decision on a chosen course of action
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with

These examples are not exhaustive.

**A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:**

- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whilst the school endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done.

Where complainants have been identified as unreasonable under this policy, taking account of the above criteria, the Head Teacher and Chair of Governors will determine what action to take. The complainant will be notified in writing of the reasons why he or she has been classified as unreasonable, what action will be taken and of the review procedure.

This notification may be copied for the information of others already involved in the complaint or matters closely related to it. A record will be kept of the reasons why a complainant has been classified as unreasonable.

It may be decided that complainant will be dealt with in one or more of the following ways:

- a) Withdraw contact with the complainant either in person, by telephone, by email, by fax, by letter or any combination of these, provided that at least one form of contact is maintained. If staff are to withdraw from a telephone conversation with a complainant there will be an agreed statement available for them to use at such times
- b) To restrict contact to liaison through the office
- c) Notify the complainant in writing that the school has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. The complainant will be notified that any form of contact, either orally or in writing, in relation to their complaint, or any further complaints relative to the same period of time, or the same or similar issues as an earlier complaint, is at an end, and that further contact received will be acknowledged but not answered
- d) Temporarily suspend, for a period to be specified to the complainant, all contact with the complainant, provided that the school shall not, withdraw or fail to provide any services which the complainant or their family are entitled to receive
- e) In extreme circumstances inform the complainant that unreasonable or vexatious behaviour may result in legal action against them

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from school premises.

## **Barring from the school premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for students, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Head Teacher or the Governing Board can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. Schools should always give the parent the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Any barring from the school premises will be reviewed each term by the Governing Board.

Anyone wishing to complain about being barred can do so, by letter or email, to the Head Teacher or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.



## **Monitoring and review**

The Governing Board will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. The monitoring and review of complaints may be a useful tool in evaluating the school's performance. Any outcomes may need to be reflected in the School Development Plan.

Complaints information may be shared with the whole Governing Board/Trust Board but individuals will not be identified.

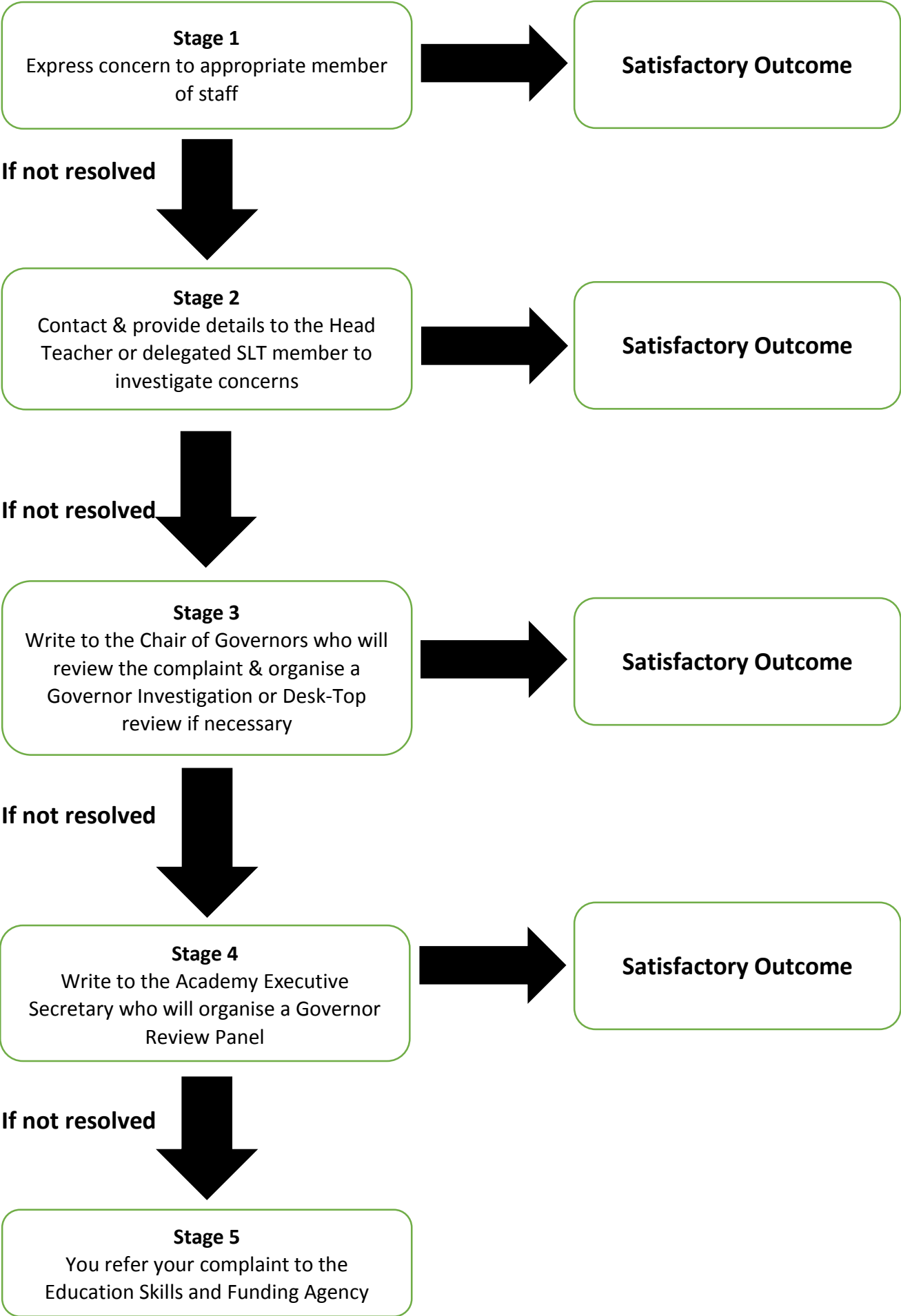
This policy is available on the website or by request at the school office.

**APPENDIX 1 COMPLAINT FORM**

<p><b>Please complete and return to:.....</b>  <i>Who will acknowledge receipt and explain what action will be taken.</i></p>	
<b>Your name:</b>	
<b>Student's name and Form:</b>	
<b>Address:</b>	
<b>Daytime phone number:</b>	
<b>Evening phone number:</b>	
<b>Please give details of your complaint here:</b>	
<b>What actions have you taken to resolve your complaint:</b>	
<b>What actions do you feel might resolve the problem:</b>	
<b>Have you attached any paperwork:</b>	
<b>Signature &amp; date:</b>	
<i>For office use only</i>	
<b>Acknowledgement sent by:</b>	<b>Date sent:</b>
<b>Complaint referred to:</b>	<b>Date:</b>

*To adhere to the General Data Protection Regulations, this information is collected solely for the purpose of resolving a complaint raised with the Governing Board of St Columba's Catholic Boys' School. Submission of this form is taken as your permission to retain personal information. Personal information collected will be retained during the duration of the complaint process. Once this has ended, either by resolution or by reaching the end of the process, personal information will be destroyed and only generic non-identifiable information will be retained, purely for statistical purposes.*

**Append 2 Complaints Procedure Flowchart**



### **Appendix 3 Governors' Review Panel Procedure**

The complainant will have the opportunity to present their complaint.

The Head Teacher will explain the school's position.

Those present will have the opportunity to ask questions.

Panel members will have the opportunity to ask questions of the complainant and the Head Teacher.

The Head Teacher will be given the opportunity to make a final statement to the panel.

The complainant will be given the opportunity to make a final statement to the panel.

The chair will ask the complainant if he or she feels they have had a fair hearing.

*The Chair of the Panel has responsibility to ensure that detailed notes are taken.*

The Chair of the Panel will explain to the complainant and Head Teacher that the Panel will consider its decision and that a written decision will be sent to both parties within fifteen working days. The complainant, Head Teacher, other members of staff and witnesses will then leave.

The Panel will then consider the complaint and all the evidence presented and;

- Agree a decision on the complaint;
- Decide upon the appropriate action to be taken to resolve the complaint; and
- Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

The Panel's deliberations will not be recorded

A written statement clearly setting out the decision of the Panel must be sent to the complainant and Head Teacher. The letter to the complainant should also advise how to take the complaint further.

The school should ensure that a copy of all correspondence and notes are kept on file in the school's records. These records should be kept separate from the student's file.