

# The Holy Spirit Catholic Primary School Catholic Primary School

## SCHOOL COMPLAINTS PROCEDURE

April 2019

### Introduction

No-one likes criticism but an open organisation will always be willing to listen to concerns and anxieties and be ready to learn from them if appropriate. In a school, most concerns are likely to be expressed by parents of its pupils, though some may come from pupils themselves, parishioners, or from other interested parties such as neighbours or users of the premises.

In a Catholic school, parental concerns are of particular importance. As the first educators of their children, parents have a duty to take an active interest in their school. “Since parents have given children their life, they are bound by the most serious obligation to educate their offspring.” (*Gravissimum Educationis*). To this end, “there must be the closest co-operation between parents and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents and willingly listen to them.” (Can.796) In a Catholic School, therefore, dealing with parental concerns will be an intrinsic part of the school’s ethos and mission. In addition, terms of reference for governing bodies now include the legal obligation to “be open about the decisions they make and the actions they take and in particular ..... to explain their decisions and actions to interested parties”. School Governance (Roles, Procedures and Allowances) (England) (Amendment) Regulations 2013. Thus a climate of openness and partnership is essential.

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’. It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Holy Spirit Catholic Primary School takes concerns seriously and will make every effort to resolve the matter as quickly as possible. We understand however, that there are occasions when people would like to raise their concerns formally. In this case, The Holy Spirit Catholic Primary School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Nearly all concerns or questions can be resolved very quickly and informally if complainants feel able to voice them as soon as they arise. Obviously, the more information the school gives to the complainants the less scope there is for misunderstanding. As part of this information, complainants should be told that feedback is always welcome and that, therefore, they are warmly encouraged to voice any concerns straightaway, preferably to the person concerned. In most cases, discussion, explanation, further information – or an apology if appropriate – will resolve the issue. **Every effort should be made to allay concerns at this level and with the least possible formality. The ideal is that no concern should ever become a formal complaint.**

Occasionally, however, a concern will be too serious to be handled in this way, perhaps needing greater investigation; or the person concerned may not feel that the answers given so far have been acceptable or adequate. In such circumstances, the concern will become a **complaint** and the formal procedure should be rigorously followed. Even in these cases, every effort should be made to resolve the issue at the lowest

possible level of the procedure. It should be very rare indeed that a complaint needs to be decided at the Appeal Stage by a Governors' Committee.

It is very important that all governors and members of staff be familiar with the school complaints procedure and that they know who the complaints co-ordinator for the school is so that they can refer complaints to that person when approached by someone with a complaint.

In all circumstances the published procedure must be followed closely. Should difficulties arise, advice can be sought from the Diocesan Education Service.

## THE FORMAL PROCEDURE

### Principles

At every stage of the formal procedure, the handling of the complaint will be:

- non-adversarial
- swift (using agreed time limits)
- fair (using independent investigation where necessary)
- confidential

Throughout the process, the school will be willing:

- to listen
- to learn
- to admit mistakes
- to apologise if appropriate
- to address any issues raised
- to change school practice if appropriate

In using this procedure:

- staff are asked to be aware that complainants may feel intimidated by the school as an institution and unsure whether they will be treated fairly
- complainants are asked to be aware that those complained about, especially individual members of staff, may feel very vulnerable during this process

Throughout the procedure, therefore, the aim of all parties should be not only to resolve the complaint but also to develop and sustain good relationships between all members of the school community. However formal or serious the complaint, or however dissatisfied the complainant, the aim will always be reconciliation between all parties and a renewed commitment to work together amicably. The gospel values of justice and forgiveness should always underpin the entire process.

### This Complaints Procedure does not apply to:

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Halton Borough council
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the

	local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). See AAA policy
<ul style="list-style-type: none"> <li>Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against The Holy Spirit Catholic Primary School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

#### Resolving complaints

At each stage in the procedure, The Holy Spirit Catholic Primary School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint

- an apology.

### Withdrawal of a Complaint

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **Outline of the Procedure**

There are three stages to the formal procedure:

### **Stage 1**

#### **Complaint heard by a member of staff (not the subject of the complaint).**

Schools are recommended to designate a member of staff as the Complaints Co-ordinator, to whom all complaints will be addressed in the first instance. Here at The Holy Spirit Catholic Primary School it will be the Headteacher.

The member of staff designated as complaints co-ordinator will, obviously, need to be held in high professional esteem by staff, governors and parents. Status in the school hierarchy will be less important than personal qualities and interpersonal skills. Sensitivity, assertiveness, efficiency and articulateness are likely to be particularly required.

The complaints co-ordinator will either hear a complaint personally or, where appropriate, refer the matter to another member of staff. The co-ordinator will also keep records of each complaint and of action taken in regard to it (preferably using an agreed proforma e.g. as in Appendix A) so that the senior managers and governors of the school can be kept informed of all issues that arise and as a result can change or develop school practices where necessary or appropriate. Thus complaints about the school can be used positively as a self-evaluation tool.

### **Stage 2**

#### **Complaint heard by the headteacher.**

### **Stage 3**

#### **Complaint heard by Governing Body's Complaints Appeal Panel.**

If unsatisfied at Stage 1 or 2, the complainant can take the complaint to the next stage.

## THE FORMAL COMPLAINTS PROCEDURE IN DETAIL

### Stage 1 – Complaint Heard by Staff Member

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 complaints co-ordinator). This may be done in person, by telephone or in writing. In The Holy Spirit Catholic Primary School, the designated member of staff is the headteacher, in which case the procedure will start at Stage 2.
- 1.2 The complaints co-ordinator will log the complaint (See Appendix A for a sample record form) and either investigate the complaint personally or refer it to an appropriate member of staff. In making this decision, the co-ordinator 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 co-ordinator 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 co-ordinator 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;
  - meet with the complainant or contact them (if unsure or further information is necessary);
  - 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 and/or those complained of, allowing them to be accompanied if they wish ( - this should include adults and pupils as appropriate, whether main players or witnesses- );
  - conduct each interview with an open mind and be prepared to persist in the questioning;
  - keep notes of each interview.
- 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. (See **1.6**). At any point in the process, the complaints co-ordinator may decide or agree to commission a further investigation, whether by a member of staff or an independent person. If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.
- 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 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.

Some of the above may require that the investigator seek authority from the head teacher. 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 **Timescales:** 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 or an independent person (eg from Shrewsbury diocese or the Halton Borough Council or another appropriate agency depending on the nature of the complaint). 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 Body's Complaints Appeal Panel**

- 3.1 A Complaints Appeal Panel, consisting of three governors, should be appointed annually by the governing body. 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 body 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 body to agree alternative panel members in case of such a circumstance. The complaint must not be discussed at a meeting of the full governing body as this could compromise the impartiality of the complaints panel and also any subsequent disciplinary hearing which may follow a serious complaint against a member of staff.
- 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 will move to Stage 3, he or she, or a nominated other governor, will - via the clerk - convene a Governing Body'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)
- 3.3 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 and to suggest what might put things right;
  - be prepared to take whatever action is required.
- 3.4 **Timescales.** The date of the Appeal Panel Meeting should be agreed by all parties within five 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 headteacher wishes to submit information in writing 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 if the referral comes at the end of a term, especially at the end of the summer term. 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 Body's Complaints Appeal Panel**

- 3.5 **Before the meeting:** Members of the panel should consider carefully any documentation from the headteacher or the complainant but should not discuss the matter with any one, 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.

### **3.6 Conduct of the meeting – to be borne in mind:**

- One of the panel must act as chair and there should be a clerk for the meeting
- A member of the Diocesan Education Service 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; the headteacher and others involved in the earlier investigations may fear that their professionalism could be under attack. 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.

### **3.7 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 within 3 school days (or as decided by panel). The wording of any letters will be agreed with the chair of the panel.

### **3.8 Role of the Chair of the Panel** The chair will ensure :

- that the procedure is properly followed (with the support of the Diocesan Education Service if requested);
- 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 treats 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.

## **Role of the Diocesan and Local Authority Representatives**

- To advise the panel on procedure. The Diocesan and local authority officers are there in an advisory capacity only. They do not have a vote and do not participate in the panel's decision-making process.

### **3.9 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 headteacher may question the complainant.
- The panel may question the complainant.
- If there are any witnesses for the complainant, each one is invited into the hearing in turn and in each case the witness is invited to speak, then the headteacher may question them, and then the panel may question them. In each case, the witness may leave after their 'evidence'.
- The headteacher is invited to explain the school's actions.
- The complainant may question the headteacher.
- 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 (advised by the diocesan Department of Schools member if there).

### **3.10 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 ensure that problems of a similar nature do not recur.

### **3.11 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.
- Minutes to be agreed by all parties before being approved if at all possible.
- 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 body meeting.

### **3.12 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.

### **3.13 Time limit:** The school expects any complaint to be submitted within three months from when the complaint first arises, except in exceptional circumstances.

## **GENERAL POINTS**

### **Using and Publicising the Procedure**

The governing body needs to adopt the procedure formally and then to review and re-adopt it annually. They also need to ensure that staff are confident in its use and that it is appropriately publicised to all interested parties, especially parents. It could be included in the school prospectus, sent out with a newsletter or placed on the school's website.

### **Recording and Reporting Complaints**

In order to turn complaints to positive effect, it is important that records are kept so that at regular intervals (perhaps termly) both the senior managers of the school and the governing body can reflect on issues that have arisen and on the way in which they have been handled. The complaints co-ordinator is the most obvious person to hold these records and to collate them into a report for the headteacher (if he or she is not the co-ordinator) and the governing body. Such a report could be a valuable self-evaluation tool. The governing body may also wish to consider reporting to parents any changes which have been made to the school's procedures as a result of parental feedback. (It need not be specified that the feedback was in the form of a complaint!)

### **Complaints Made Other Than in Accordance with the Procedure**

Sometimes a complainant may be unfamiliar with, or unaware of, the complaints procedure; sometimes they may choose to take their complaint straight to governors or to other parties, such as the diocese or the Local Authority. In every such case, the procedure must be strictly adhered to, and the complaint redirected to its proper stage in the procedure. It is, therefore, important that all members of staff and all governors are fully aware of the procedure and that it is publicly available. It is particularly important that governors know that they must not attempt to deal with complaints themselves, but should tell complainants to take their complaint to the school's complaints co-ordinator.

### **Complaints Made to the Department for Education**

In unusual cases the Secretary of State may have the power to intervene if the governing body of the school has acted as no reasonable governing body would act. This is very unlikely to be the case unless the whole of the school's own complaints procedure has been exhausted.

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by The Holy Spirit Catholic Primary School. They will consider whether The Holy Spirit Catholic Primary School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

### **Complaints to Ofsted**

The Education and Inspections Act 2006 at s.160 provides a procedure for Ofsted to investigate parents' complaints about a school. A complaint cannot be investigated unless the school's complaints procedure has been exhausted, subject to the Chief Inspector's discretion to waive this requirement. DfE have been advised that Ofsted will only consider whole school issues.

## APPENDIX A

### Complaint Form

Please complete and return to *headteacher / Clerk / complaints co-ordinator / designated governor – school to delete as appropriate* 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:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

**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:**

## **Roles and Responsibilities**

### **Complainant**

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### **Investigator**

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

**Complaints Co-ordinator** (this could be the headteacher / designated complaints governor or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### **Clerk to the Governing Body**

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible

- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

#### Committee Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

#### Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so

No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.

The committee should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

This policy has been written in conjunction with information obtained from best practice for school complaints procedures. <https://www.gov.uk/government/publications/school-complaints-procedures/best-practice-advice-for-school-complaints-procedures-2019>

## **Appendix B**

### **The Holy Spirit Catholic Primary School Policy for managing serial and unreasonable complaints**

The Holy Spirit Catholic Primary School Catholic Primary 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 our 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 Holy Spirit Catholic Primary School Catholic Primary School defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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
- 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
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact The Holy Spirit Catholic Primary School Catholic Primary School causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from The Holy Spirit Catholic Primary School Catholic Primary School.

April 2019