

St. Joseph's Specialist School & College
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Complaints Policy



Christ in our Lives
'No limits ... just possibilities'

Reviewed: February 2017
Finance, Personnel & Pay Committee
Annual

STATUTORY POLICY
WEBSITE POLICY

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1 Introduction and Overview

Governing bodies are required by law to have a procedure in place to deal with complaints relating to a school or the provision of community facilities or services at the school. The law requires that this procedure must be publicised.

The vast majority of complaints and concerns can be resolved informally.

A complaint can be brought by a parent of a registered child at the school, a person who has been provided with a service or a facility at the school or any third party who may have cause to complain about the school. The procedure refers to this person as a complainant.

The complainant must feel able to raise concerns and complaints with members of staff without formality, either in person, by telephone or in writing.

At first it may be unclear whether a complainant is asking a question or expressing an opinion rather than making an education complaint. A complainant may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

A concern or unresolved problem becomes a complaint only when the complainant asserts that a school has acted wrongly in some significant decision, action or failure to take action.

Even when a complaint has been made it can be resolved or withdrawn at any stage.

The Executive Principal at St Joseph's Specialist School & College has ultimate responsibility for the operation and management of the complaints procedure although she may delegate aspects of this to other members of staff.

2 Special Circumstances

Any complaint or other notice that suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual interference or neglect may be referred without further notice to Children's Social Care and/or to the social services authority for the area in which the child lives. If a social services authority decides to investigate a situation this may postpone or supersede investigation by the Executive Principal or Governing Body.

3 Other Solutions to Complaints

Where a matter can be resolved through a legal appeal it will not be considered as a formal complaint. The key areas are admissions decisions, certain decisions relating to statutory assessment of special educational needs and decisions to permanently exclude a child.

In addition, school reorganisation proposals, child protection investigations, whistleblowing, staff grievance & disciplinary issues and complaints provided by other providers who may use school premises or facilities fall outside the scope of this procedure. In the majority of cases, these issues are covered by separate policies.

Where a member of staff has a complaint these are normally managed through the Grievance procedure. However where a staff complaint is about a matter that does not concern their employment, this policy will be used.

4 Dealing with concerns informally

The complainant will be given an opportunity to discuss their concern with the appropriate member of staff. An appointment may need to be made.

The complainant may bring a friend to any discussion.

The member of staff dealing with the concern will make sure that the complainant is clear what action (if any) or monitoring of the situation has been agreed.

This stage will be completed speedily and concluded in writing with appropriate detail.

Where no satisfactory solution has been found, the complainant will be informed that s/he will need to consider whether to make a formal complaint to the Executive Principal. To assist in this process a complaint form will be provided (see Appendix B).

5 Stage 1 – Referral to the Executive Principal for investigation

The Executive Principal will acknowledge the complaint in writing. In some cases the Executive Principal will have already been involved in looking at the matter; in others it will be her first involvement.

The Executive Principal will consider providing an opportunity to meet with the complainant to supplement any information previously provided.

If the complaint is against a member of staff, the Executive Principal will talk to the staff member against whom the complaint has been made.

If necessary, the Executive Principal will interview witnesses and take statements from those involved or if appropriate appoint an investigating officer to do this on her behalf.

The Executive Principal/Investigating Officer will keep reasonable written records of meetings, telephone conversations and other documentation.

Once all the relevant facts have been established, the Executive Principal will produce a written response to the complainant. The Executive Principal may wish to meet the complainant to discuss/resolve the matter before confirming the outcome in writing.

The written response will include a full explanation of the decision and the reasons for it. Where appropriate, it will include what action the school will take to resolve the complaint.

Stage 1 will be completed in 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this timetable. In such cases, the Executive Principal will write to the complainant giving a revised target date.

St Joseph's Specialist School & College will not pay financial compensation as a response to complaints, though may spend money on a relevant educational purpose (e.g. paying a fee for a repeat examination).

The formal stage 1 response will also advise the complainant that if s/he is not satisfied with the response and wishes to take the matter further, s/he will write to the Chair of the Governing Body within 15 school days of receiving the outcome letter. The outcome letter will set out the name of the Chair of the Governing Body and the address to which the complainant can send the letter.

Complaints against the Executive Principal.

If the complaint is wholly or mainly about the Executive Principal, the Governing Body will consider the complaint in accordance with Stage 2 of the procedure described below. However, before Stage 2 is instigated the Chair of the Governing Body will invite the Executive Principal to respond to the complaint in writing within ten school days. The Chair will send a copy of the Executive Principal's response to the complainant who will be asked to indicate within five school days of receipt of the response whether s/he is satisfied with the response. If the complainant is not satisfied with the response stage 2 will commence as described in paragraph 2.1 below.

6 Stage 2 – Consideration by the Governing Body

If the complainant decides to take the matter further, the Chair of the Governing Body will write to the complainant to acknowledge the complaint within five school days of receipt of the complaint. A copy of the acknowledgement and the complaints form will be sent to the Executive Principal and the Clerk to the Governing Body. (A standard letter is attached to this document which the Chair may wish to use).

Investigating the complaint – If the complaint has been investigated at Stage 1, the result of the investigation must be made available to the Clerk/Chair by the Executive Principal. However, where the complaint is against the Executive Principal and the complaint is referred to Stage 2, the Chair of the Governing Body must decide how the complaint will be investigated. Where the facts of the complaint are clearly established, it is unlikely for the Chair of the Governing Body to order an investigation. The matter may instead be escalated directly to the Complaints Appeal Panel.

Governing bodies will establish a Complaints Appeal Panel (CAP) drawing on three governors with no prior, direct involvement with the complaint. In deciding the make-up of the CAP, where possible the governing body will try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation. Where all (or a majority of governors) are aware of the substance of a complaint before the final stage has been completed, the Governing Body may choose to arrange for the panel hearing the complaint to be made up entirely (or include a number) of independent panel members. In this case, independent panel members may be drawn from another school's Governing Body or the school's Trustees.

The Executive Principal will not serve on the CAP. If the Chair of the governing body has had any prior involvement in the complaint then the Chair must not sit on the CAP.

The CAP will consider the complaint on the basis of the written evidence and set up a hearing to hear both parties. The CAP will reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.

The Chair of the CAP will take a decision at the beginning of Stage 2 on whether to seek the services of a Clerk to:

- Deal with the administration of the procedure;
- Provide independent advice on procedure and evidence;
- Ensure that the relevant facts are established;
- Minute the meeting; and
- Draft the decision letter.

The Clerk/Chair of the CAP will write to the complainant to explain how the review will be conducted. The letter will be copied to the Executive Principal.

The Clerk/Chair of the CAP will confirm the date of the meeting with the other governor(s).

The complainant and Executive Principal will be invited to attend the meeting. The date and time of the meeting will be convenient to the complainant and Executive Principal, within reason. The notification will inform the complainant of his/her right to be accompanied to the meeting by a friend/representative. It will also explain how the meeting will be conducted and of the complainant's right to submit further written evidence to the committee.

The Executive Principal will also be invited to prepare a written report for the CAP in response to the complaint.

All relevant correspondence regarding the complaint will be circulated to the CAP; the complainant and the Executive Principal in advance of the meeting.

If the Executive Principal and/or the complainant wish to call witnesses, the agreement of the Chair of the CAP will be obtained in advance of the meeting.

It is the responsibility of the Chair of the CAP to ensure that the meeting is properly conducted. However, the proceedings will be as informal as possible.

The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, at the end of the meeting the CAP will need to issue a finding in writing either upholding or not upholding the complaint or upholding some parts and not others.

If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interest of natural justice to adjourn the meeting so that the other side has time to respond to the new evidence. Late evidence of witnesses will not be accepted unless there is a good reason for the lateness.

The meeting will allow for:

- The complainant to explain his or her complaint and the Executive Principal to explain the reasons for his or her decision;
- The Executive Principal to question the complainant about the complaint and the complainant to question the Executive Principal;
- The CAP to have an opportunity to question both the complainant and the Executive Principal;
- Any party to have the right to bring witnesses (subject to the approval of the Chair of CAP) and all parties having the right to question all the witnesses; and
- A final statement by the Executive Principal and complainant.

The Chair of the CAP will explain to the complainant and the Executive Principal that the CAP will consider its decision, and a written response will be sent to both parties as soon as possible. The complainant, Executive Principal and any witnesses will then leave.

The CAP will consider the complaint and all the evidence presented and reach an unanimous, or at least a majority, decision on the complaint. Where appropriate the CAP can decide on the action to be taken to resolve the complaint and/or suggest recommended changes to the school's system or procedures to ensure that problems of a similar nature do not happen again.

As in Section 5.9 above, the CAP will not pay financial compensation as a response to a complaint, though may spend money on an appropriate educational purpose.

The Clerk/Chair of CAP will send a written statement outlining the decision with reasons to both the complainant and the Executive Principal.

Stage 2 will be completed in 15 school days. However, it is recognised that this timetable may prove challenging where complaints are complex. In such cases, the CAP chair will write to the complainant and Executive Principal giving a revised target date.

7 Vexatious, Serial & Persistent or Unreasonable Complaints

There will be occasions when despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Governing Body can inform the complainant in writing that the procedure has been exhausted and that the matter is now closed.

Appendix A - Example acknowledgement letter from Executive Principal

An example of a letter that the Executive Principal may wish to send to the complainant upon receipt of a complaint at Stage 2 for consideration by the Governing Body

Dear

Complaint re

Thank you for your [letter/email/message] telling me that you are [concerned / unhappy / dissatisfied] about

I am sorry to hear about your concerns and would like to reassure you that the school is keen to work with you to resolve this. To this end I would like to meet with you and my PA will try to set a mutually convenient time for this – or – I have started looking into the issue and will get my PA to set up a meeting with you so that we can go through my findings as soon as possible.

Yours sincerely

Appendix B - School Complaint Form (for Stage 1 complaints)

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Executive Principal. {If your complaint is against the Executive Principal you will need to send the form to the Chair of the Governing Body}

Your Name:

Address:

Post Code:

Telephone Number (Home):

Telephone Number (Day):

Telephone Number (Mobile):

Name of Student if Complainant is a Parent/Carer:

What is your complaint about and what would you like the Executive Principal to do?

When did you discuss your concern/complaint with the appropriate member of staff?

What was the result of the discussion?

Signed _____ **Date** _____

Appendix C - Example stage 2 acknowledgement letter from Chair of Governors

An example of a letter that the Chair of the Governing Body may wish to send to the complainant upon receipt of a complaint at Stage 2 for consideration by the Governing Body

Dear

Complaint re

Thank you for your letter dated..... setting out the reasons why you are not satisfied with the Executive Principal's response to your complaint about

I write to let you know that I will be arranging for a Complaints Appeal Panel (CAP) to consider your complaint in accordance with Stage 2 of the attached complaints procedure. As explained in the procedure, the Clerk/Chair of the CAP will let you know in writing how the CAP intends to consider your complaint.

for in the case of complaints against the Executive Principal

I have received your complaint against the Executive Principal of St Joseph's Specialist School & College. I write to let you know that I have forwarded a copy of your complaint to the Executive Principal with a request that she respond within ten school days to the issues raised in the complaint.

A copy of the Executive Principal's response will be sent to you as soon as possible.

If you are not satisfied with the Executive Principal's response, I will arrange for a Complaints Appeal Panel (CAP) to consider your complaint in accordance with Stage 2 of the attached complaints procedure.

As explained in the procedure, the Clerk of the Complaints Appeal Panel will let you know in writing how the complaint will proceed.

Yours sincerely

Date Policy Reviewed

Updated	Changes	By	Version
February 2004	Not Known	Not Known	None
July 2005	Not Known	Not Known	None
July 2006	Not Known	Not Known	None
November 2009	None	Pete Dinallo	V1.1
March 2011	Complaint Form to go to Liz Wright	Pete Dinallo	V1.2
April 2012	Headteacher changed to Principal. OFSTED contact details updated	Pete Dinallo	V1.3
January 2013	Full revision ensuring compliance with Surrey model, incorporating additional stage for NMSS legislation compliance and adaptations incorporation of additional procedures specific to Springvale	Sue Belmore	V2
January 2014	In line with guidance for families, carers and the general public.	Sue Collins	v2.1
March 2015	Minor revision and inclusion of Long Barn.	Sue Collins	v2.2
March 2016	No change	Liz Sanders	V2.3
February 2017	Full revision and new policy created	Sue Collins	V3.0