

PATERNOSTER SCHOOL

COMPLAINTS POLICY

September 2018

1.0 Statement of Intent.

1.1 Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall –
 - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

1.2 Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

Paternoster School is a Community school and so comes within the meaning of “maintained school”.

2.0 General.

2.1 A complaint may generally be defined as ‘an expression of dissatisfaction, however made, about actions taken or lack of action.’

2.2 Any person, including members of the general public, may make a complaint about any provision of services that a school provides, unless separate statutory provisions apply (such as exclusions or admissions).

2.3 A complaint may be made in person, by telephone or in writing. The complaint can be made using the form (Annex A) if so desired.

- 2.4 Brief notes of meetings and telephone calls will be kept and a copy of any written response added to the record. Where there are communication difficulties recording devices will be used to ensure the complainant is able to access and review the discussions at a later point.
- 2.5 Complaints should be made as soon as possible after the event but in any event this should be done within three months
- 2.6 The progress of the complaint and the final outcome will be recorded. The head teacher will be responsible for these records and hold them centrally.
- 2.7 Complaints will not be shared with the whole Governing Body, except in very general terms, in case an appeal panel needs to be organised.
- 2.8 If the whole Governing Body is aware of the substance of a complaint and the process reaches Stage Three, an independent panel will be set up to hear the complaint.
- 2.9 The complainant will be asked at an early stage what they think might resolve the issue.
- 2.10 People's desire for confidentiality will be respected.
- 2.11 All the points at issue will be addressed and the aim will be to provide an effective response and appropriate redress, where necessary.
- 2.12 Realistic and reasonable time limits will be set for each action within each stage. Where further investigations are necessary, new time limits will be set and the complainant will be sent details of the new deadline with an explanation of the delay.
- 2.13 Staff and Governors will be made aware of the procedures so that they know what to do if they receive a complaint.
- 2.14 In determining who will deal with a complaint, the ability to consider the complaint objectively and impartially is crucial.
- 2.15 Complaints will be reviewed in order to identify any possible improvements that should be made to the school's procedures or policies.

3.0 Stage One: Complaint Heard by Staff Member

- 3.1 The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases the complaint will be heard by the head teacher. Where the complaint concerns the head teacher, the complaint will be referred to the Chair of Governors. Where the complaint is against a Governor, the complaint will be referred to the Clerk of the Governing Body.

- 3.2 Similarly, if the member of staff directly involved feels too compromised to deal with a complaint it will be referred to the head teacher.
- 3.3 Where the first approach is made to a Governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if Governors did not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

4.0 Stage Two: Complaint Heard by Headteacher

- 4.1 The Head Teacher's influence will already have shaped the way complaints are handled in the school. At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The head may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

5.0 Stage Three: Complaint Heard by Chair of Governors

- 5.1 Should the Headteacher fail to resolve the complaint, the complainant can write to the Chair of Governors to request further consideration be given to the matter. This should be done within a reasonable timescale.
- 5.2 Should the complaint relate to the Headteacher, this will be the first stage of the complaint process.

6.0 Stage Four: Complaint Heard by Governing Body's Complaints Appeal Panel

- 6.1 The complainant needs to inform the Chair of Governors of the complaint giving details. The Chair, or a nominated governor, will convene a GB complaints panel.
- 6.2 The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.
- 6.3 Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
- 6.4 The governing body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

6.5 The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

7.0 The Remit of The Complaints Appeal Panel

7.1 The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

7.2 There are several points which any governor sitting on a complaints panel needs to remember:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, governors need to 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.
- b. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the

opportunity to say which parts of the hearing, if any, the child needs to attend.

- e. The governors sitting on the panel need to be aware of the complaints procedure.

8.0 Roles and Responsibilities

8.1 The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible;
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.

8.2 The head teacher

The head teacher should:-

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 2018 (DPA 2018) and Freedom of Information Act 2000;
- liaise with staff members, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:-
- sharing third party information;
- additional support - this may be needed by complainants when making a complaint including interpretation support.

8.3 The Investigator

The Investigator is the person involved in Stages One and Two of the procedure. The Investigator's role can include:-

- 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;
- consideration of records and other relevant information;
- interviewing staff and children/young people and other people relevant to the complaint;
- analysing information;
- effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- 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.

8.4 Clerk to the Governors

The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and send it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;

8.5 The Panel Chair

The Panel Chair has a key role in ensuring that:-

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;

- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – 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 hearing;
- liaise with the Clerk.

8.6 Panel Member

Panellists will need to be aware that:-

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;

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

- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

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

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

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

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel 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 panel 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 panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

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

9.0 Unreasonable Complaints.

9.1 Paternoster 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.

9.2 Paternoster 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'.
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;
- 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;
- 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, 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.

- 9.3 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.
- 9.4 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.
- 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 asking them to change it. For complainants who excessively contact Paternoster 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 usually be reviewed after 6 months.
- 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 Paternoster school.

10.0 Equalities.

- 10.1 This policy has been written to take into account the needs of all regardless of age, disability, race, religion, belief and gender. In respect of adults this list also includes gender reassignment, marriage & civil partnership, pregnancy, maternity or paternity and sexual orientation.

11.0 Monitoring and Review.

- 11.1 This policy is monitored by the governing body, and will be reviewed every two years, or earlier if necessary.