



## St Nicholas Church of England Primary School

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***'OUR CHRISTIAN COMMUNITY GROWING AND LEARNING TOGETHER'***

Policy Title:	Complaints
LT Responsibility:	Head Teacher
Review Body:	Aquinas and Head Teacher
Date:	January 2019
Review:	January 2021

### **1. Introduction**

This policy applies to most complaints made to the school where a complaint is defined as a general concern over any subject relating to the education or welfare of a pupil. The resolution of a complaint should be seen as a potential opportunity for development. Principles of justice help us to recognise that the individual has a right to state a point of view and those against whom a complaint is made have the right to know as soon as possible. Separate policies exist for specific concerns covered by statutory requirements which include staff discipline and grievance, admissions, SEN provision, whistleblowing and child protection issues.

This policy complies with the Complaints Policy of the Aquinas Church of England Education Trust (the Trust). This policy will be implemented fairly and impartially in accordance with the principles of the public sector equality duty as embodied in the Equality Act 2010 and the principles of natural justice.

### **2. Principles**

- Complaints procedure is readily accessible to parents so that they know how to raise concerns.
- Complainants will be kept informed of the handling of a complaint.
- Procedures are as speedy as possible to ensure fairness to all.
- Confidentiality is important and communication will be treated with discretion. However information must be shared to carry out a thorough investigation.
- All complaints will be recorded and monitored to identify issues.
- If it becomes apparent that a complaint has the potential to lead to a disciplinary issue then advice will be sought.

### **3. Aims**

- Encourage resolution of problems by informal means wherever possible.
- To ensure openness with regard to procedures for dealing with a complaint.
- To inspire trust and confidence of parents and guardians in the procedures adopted by the school.
- To protect the rights and professional integrity of staff members and other employees of the school.
- To ensure that the process is fair and impartial

#### **4. Procedure**

- 4.1 The Head Teacher has responsibility for this policy and its implementation. Certain operational aspects of the policy may be delegated to a member of the senior leadership team. The nature of complaints which fall within the remit of this policy include curriculum/ educational, behavioural or relate to staff conduct, but they are not limited to these areas.
- 4.2 The complaints procedure has three stages in school:
  - Stage 1 Informal resolution of a complaint
  - Stage 2 Formal complaint to the Head Teacher
  - Stage 3 Hearing before a complaints panel appointed by the Aquinas Advisory Council
- 4.3 At each stage, we will be mindful of ways the complaint can be resolved and one or more of the following may be appropriate:

- An apology.
- An explanation.
- An admission that the situation could have been handled differently or better.
- An assurance that the event complained of will not occur again.
- An explanation of the steps that have been taken to ensure that it will not happen again.
- An agreement to review school policies or procedures as a result of the complaint.

#### **5. Stage 1: Informal resolution of a complaint**

- 5.1 The initial contact can be made by telephone or in writing to the class teacher or line manager depending on who or what is the subject of the complaint.
- 5.2 This member of staff will discuss the nature of the concern, establish what outcome the complainant is seeking and assure the complainant that the school is taking the complaint seriously. Name, date and contact details must be recorded.
- 5.3 If the member of staff is unable to deal with this then he/she must ensure that the complainant is clear who will deal with the issue and when this will happen.
- 5.4 If an interview is arranged then members of staff may request the presence of a third party (companion). Details of the interview will be recorded during the interview and agreed by all parties at the end of the interview.
- 5.5 The complainant must be clearly informed about what will happen (including if no action is to be taken) and the next steps or outcome should be communicated as soon as possible.
- 5.6 If no satisfactory resolution is obtained at this stage then the complainant must be advised to put the complaint in writing to the Head Teacher in order to implement stage 2 of the complaints procedure.
- 5.7 In the case of a complaint against the Head Teacher parents have the opportunity to refer the matter directly to the Chief Executive Officer (CEO) of the Trust at stage 1.
- 5.8 It is anticipated that most complaints will be resolved by this informal stage and the Trust will endeavour to be deal with the complaints at this stage within [insert number] school days of the complainant making the complaint. Where this is not possible the complainant will be advised and a timescale for resolution provided.

#### **6. Stage 2: Formal complaint**

- 6.1 If a complaint progresses to this stage the complainant will be asked to put the complaint and their desired outcome in writing to the Head Teacher.
- 6.2 In the case of a complaint against the Head Teacher the complaint must be made in writing to include the desired outcome to the CEO of the Trust.
- 6.3 There will be a written response within seven school days outlining the procedure and setting a target date for response.

6.4 The Head Teacher or, where relevant, the CEO shall endeavour to deal with the complaint within ten school days of receipt of the written complaint. If the complaint requires detailed collection of information and investigation this period may be extended but the complainant will be kept advised.

6.5 The Head Teacher will investigate the circumstances of the complaint and in doing so may request statements from members of staff and pupils and all relevant documentation. Evidence and written records of all meetings and telephone calls will be collected.

6.6 The Head Teacher may appoint a member of the school's senior leadership team to collect the necessary information and conduct the investigation.

6.7 Where the complaint relates to the Head Teacher, the CEO may appoint a member of the Trust's executive team to collect the necessary information and conduct the investigation.

6.8 The Head Teacher, CEO or their appointed representative may choose to meet with the complainant and obtain further details of the complaint.

6.9 If the complaint concerns a member of staff, that member of staff has a right to be given details of the complaint and the opportunity to make representations in relation to the complaint.  
Allegations of abuse regarding a member of staff should be reported to the Head Teacher immediately and the Trust's Allegations of Abuse against Staff Policy must be followed.

The Head Teacher or, where relevant, the CEO is responsible for deciding on the validity of the complaint and the action to be taken.

6.10 The Head Teacher or, where relevant, the CEO will then either write to the complainant or arrange a meeting to resolve the matter.

6.11 The meeting will be followed by a letter summarising the outcome. The letter will also inform the complainant that s/he has the right to have the complaint considered by a complaints panel appointed by the Aquinas Advisory Council if the complainant is not satisfied with the outcome at stage 2.

6.12 If the complainant is dissatisfied with the outcome of the complaint at this stage and requires the complaint to be heard by a Panel of the Trustees, the complainant should notify the Head Teacher within ten school days of receiving the outcome letter

### **7. Stage 3: Hearing before a panel of Aquinas Advisory Council**

7.1 It is unusual for a complaint to reach this stage but the Aquinas Advisory Council will appoint a complaints panel to resolve the complaint and achieve reconciliation between the school and complainant.

7.2 The complaints panel members, consisting of at least 3 people, will have had no direct involvement in the matters detailed in the complaint and one member of the panel must be independent of the management and running of the school.

7.3 The written complaint together details of why the complainant is dissatisfied with the outcome of stage 2 will be sent to the complaints panel together with all other paperwork considered at stage 2.

7.4 The clerk to the complaints panel will send a written response to the complainant informing them that the complaint will be heard, where possible, within fifteen\* school days from receipt of the notification that the complainant requires the complaint to be heard by the complaints panel.

7.5 The complaints panel will convene at a time suited to both complainant and school which may mean that the complaint may not always be considered within fifteen\* school working days from receipt of the notification that the complainant requires the complaint to be heard by the complaints panel.

7.6 All parties, including witnesses, should have at least five school days' notice of the time and date of the meeting, where possible.

7.7 The complainant will be invited to submit additional written evidence and allowed to bring a friend, relative or advocate with him/her. Interpretation facilities will be made available if required.

7.8 All documents should be sent to all parties five school days before the meeting, where possible.

7.9 The Chair of the complaints panel should ensure that full minutes are taken and that the meeting is kept as informal as possible to keep everyone at their ease.



7.10 When all evidence and issues have been raised the Chair of the complaints panel will inform all parties that they will receive the decision in writing within ten school days.

- 7.11 When everyone has left the complaints panel will remain to consider:
- The validity of the complaint and uphold or dismiss it in whole or in part.
  - Appropriate action to be taken by the school and/or parent.
  - Recommendations on changes to school systems or procedures to ensure similar problems do not arise in the future.

7.12 Details of the findings and recommendations are:

- Provided to the complainant and the individual being complained about; and
- Available for inspection at the Trust's premises by the Trustees, members of the Aquinas Advisory Council and the Head Teacher.

7.12 The school will retain all correspondence and notes confidentially. Details of all complaints which reach stage 2 and stage 3 will be notified to the Trust's Company Secretary.

7.13 There is no further right of appeal at the school. If the complainant is dissatisfied with the outcome and wishes to take the matter further the must complete the form available at:

[www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form](http://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form)

## 8. Recording Complaints

- 8.1 A written record must be kept of all complaints that are made in accordance with the school's formal complaint's procedure (stage 2 and 3).
- 8.2 The record must include details of whether the complaint was resolved following a formal procedure (stage 2), or proceeded to a hearing before a complaints panel (stage 3) and the action taken by the school as a result of those complaints (regardless of whether they are upheld).
- 8.3 Details of the number of formal complaints must also be recorded on the school's website and this policy must also be published on the school website.

8.4 Complaints in the last 3 years:

Year	Complaints
2018-19	0
2017-18	0
2016-17	0

## 9. Monitoring, Evaluation

The Head Teacher will monitor the level and nature of complaints and the policy will be evaluated in the light of complaints made and their resolution and the necessary changes will be made to this policy.

The academy processes personal data in accordance with the data protection principles embodied in the General Data Protection Regulations (GDPR). The academy complies with the requirements of the GDPR as detailed in the Trust data protection Policy.

All staff are aware of the principles of data protection and will not processes personal data unless necessary. The academy safeguards the personal data it collects through the operation of the Trust's data protection policy and processes and the IT policy. In addition, the academy has taken steps to ensure that all its contracts that process data have the GDPR compliant provision

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