

St Mary's CE High School

"Everyone is equal: Everyone deserves the best"

Complaints & Conciliation Procedure

Based on the Herts County Council model complaints procedure for schools

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Date of next Review: Spring 2022

"Our vision, as a school with a Christian ethos, is founded on The Parable of the Sower, where

Through God's love, we are the rich soil where seeds flourish and roots grow,
based on the Parable of the Sower, Mark 4: 3-9

*This underpins our motto, **We believe everyone is equal, everyone deserves the best,** and is key to what we do. We believe that we are all equal, irrespective of our background and beliefs. We provide a safe, nurturing environment in which we can all flourish. We have the very highest aspirations for our students, their families, our local community, and ourselves, and want nothing but the best. We challenge students by having a rich and exciting curriculum provision and by making learning practical, engaging and enjoyable. We enable students to succeed by providing the best possible personalised support."*

Nicholas Simms – Head Teacher

St Mary's CE High School

Complaints & Conciliation Policy

Introduction

The Governing Board of St Mary's CE High School has adopted this procedure to deal with concerns or complaints from the Hertfordshire County Council model policy.

The complaints procedure is not limited to parents/carers of children that are registered at the school. Any person, including a member of the public, may raise a concern or make a complaint to the school about any provision of facilities or services that the school provides. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

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. St Mary's CE High School takes concerns seriously and will make every effort to resolve the matter as quickly as possible through open dialogue and mutual understanding.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases the Head Teacher will refer you to another member of staff. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Head Teacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, St Mary's CE High School will attempt to resolve the issue internally, through the stages within this complaints procedure.

How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Complaints against school staff (except the Head Teacher) should be made in the first instance to the Head Teacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Head Teacher should be addressed to the Chair of Governors, via the Clerk to the Governors. Please mark them as Private and Confidential.

Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Clerk to the Governing Body via the school office. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the Clerk to the Governors via the school office. You can also ask a third party organisation, for example Citizens Advice, to help you.

In accordance with equality law, we will consider making reasonable adjustments if required to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint, or holding meetings in accessible locations.

Mediation may be useful in resolving a concern or complaint and may be offered at any point during the complaints procedure. Mediation will only be entered into with the agreement of all parties.

Anonymous complaints

The school will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation. All complaints or concerns will have GDPR guidance applied to them. In all cases, St Mary's CE High School will put the interests of the child above all other issues.

Timescales

A concern or complaint must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The school will consider complaints made out of this time frame in exceptional circumstances.

Concerns or complaints raised outside of term time will be considered to have been raised on the first school day after the holiday period.

Scope of this complaints procedure

This procedure covers all complaints about any provision of community facilities or services by St Mary's CE High School, other than complaints that are dealt with under other statutory procedures, including those listed below.

Admissions to Schools – concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.

Matters likely to require a Child Protection investigation – complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.

Exclusion of children from school* – further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.

*complaints about the application of the behaviour for learning policy can be made through the School's complaints procedure. The behaviour for learning policy can be found on the school website.

Whistleblowing – 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: www.education.gov.uk/contactus.

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 local authority or the Department for Education depending on the substance of your complaint.

Staff grievances – complaints from staff will be dealt with under the School's internal grievance procedures.

Staff conduct – 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.

If other bodies are investigating aspects of the complaint, for example the police, local authority 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 this happens, we will inform you of a proposed new timescale..

If a complainant commences legal action against St Mary's CE High School in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

Resolving complaints

At each stage in the procedure, St Mary's CE High 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 is in writing.

Informal Complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher, year lead, subject lead or Head Teacher. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 14 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

Formal Procedure – STAGE 1

Most concerns are resolved informally, however if you remain dissatisfied and wish to take the matter further by making a formal complaint you can let us know in person, by telephone or in writing.

Formal complaints must be made to the Head Teacher (unless they are about the Head Teacher), via the school office. This should preferably be done in writing (using the complaint form template).

The Head Teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.

Within this response, the Head Teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head Teacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The Head Teacher may delegate the investigation to another member of the school senior leadership team, but not the decision to be taken.

During the investigation, the Head Teacher (or investigator) will:

- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- Keep a written record of any meetings/interviews in relation to their investigation

At the conclusion of their investigation, the Head Teacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the Head Teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions St Mary's CE High School will take to resolve the complaint.

The Head Teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the Head Teacher, or a member of the governing body (including the Chair or Vice Chair) a suitably skilled governor will be appointed to complete all the actions at Stage 1.

Complaints about the Head Teacher or member of the governing body must be made to the Clerk via the school office.

If the complaint is jointly about the Chair and Vice Chair, or the entire governing body, or the majority of the governing body Stage 1 will be considered by an independent investigator appointed by the governing body. At the conclusion of their investigation, the independent investigator will provide a formal written response.

Formal Procedure – STAGE 2

If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaint procedure.

A request to escalate to Stage 2 must be made to the Clerk via the school office within 15 school days of receipt of the Stage 1 outcome. Requests received out of this time frame will only be considered in exceptional circumstances.

The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is jointly about the Chair and Vice Chair, or the entire governing body, or the majority of the governing body, Stage 2 will be heard by a committee of independent, co-opted governors.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible;
- Request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- Uphold the complaint in whole or in part,
- Dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the committee will:

- Decide on the appropriate action to be taken to resolve the complaint,
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The Chair of the committee will provide the complainant and St Mary's CE High School with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by St Mary's CE High School.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions St Mary's CE High School will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Head Teacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing. All statements, records and other documents relating to the complaint will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

Next Steps

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 ESFA after they have completed Stage 2.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by St Mary's CE High School. They will consider whether St Mary's CE High School has adhered to education legislations and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus. By telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry, CV1 2WT

Serial or Persistent Complaints

The school is committed to dealing with all complaints fairly and impartially. We will not normally limit the contact complainants have with our school. Unfortunately, in a small minority of cases, people pursue their complaints in a way which is unacceptable or which can impede the investigation of their complaint. This can have significant resource issues for the school.

The school defines unreasonable behaviour as that which hinders our consideration of complaints, 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 all mediation
- 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
- introduces trivial or irrelevant information and insists on it being taken into account and commented on
- makes unjustified complaints about staff who are trying to deal with the issues
- 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 adhered to
- 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 already 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

Whenever possible, the Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before considering behaviour to be unreasonable.

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 school.

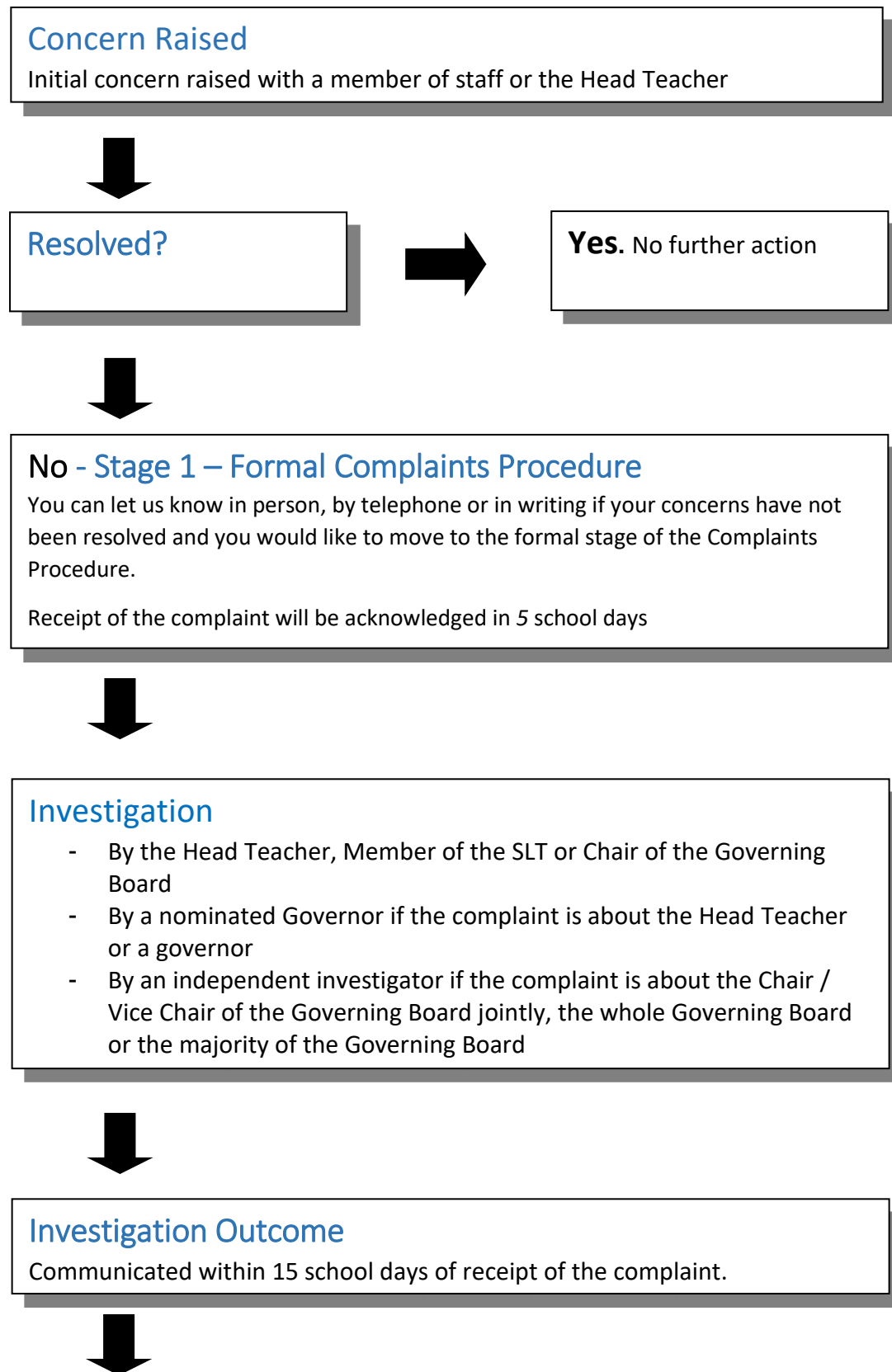
Policy for Dealing with Complaints Campaigns

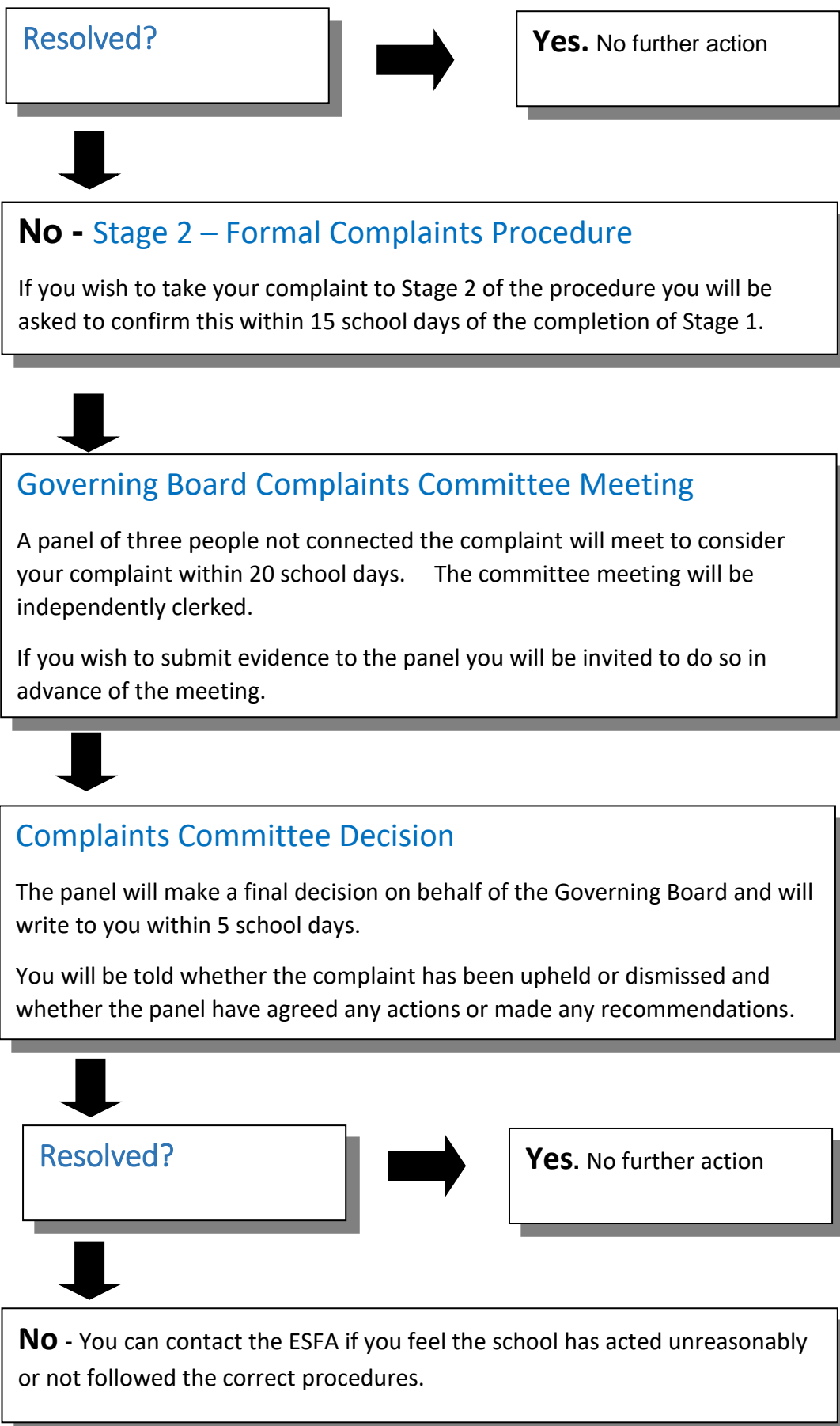
The school is committed to giving careful consideration to all concerns raised and complaints received. If the school receives a large volume of complaints all based on the same subject or from complainants unconnected to the school it may have become the focus of a complaints campaign. If the Head Teacher and Chair of Governors consider that this is the case a template response to the complaints will be sent.

Monitoring and Review

The Governing Board monitors the complaints procedure, in order to ensure that all complaints are handled properly. The Head Teacher logs all formal complaints received by the school and records how they were resolved. Governors examine this log on an annual basis and consider the need for any changes to the procedure.

Complaints Procedure - Flowchart Summary





Appendix 1: Complaint Form

Please complete and return to the Head Teacher who will acknowledge receipt and explain what action will be taken.

Your name:

Student's name (if relevant):

Your relationship to the student (if relevant):

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give concise details of your complaint, including whether you have spoken to anybody at the school, relevant dates, names of witnesses etc, to allow the matter to be fully investigated

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 whom:

Complaint referred to:

ACTION TAKEN:

Date:

Appendix 2: 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
- Cooperate 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 coordinator 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 Head Teacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems
- The Head Teacher 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 Coordinator

(this could be the Head Teacher/designated complaints governors or other staff member providing administrative support)

The complaints coordinator should:

- Ensure that the complainant is fully updated at each stage of the procedure
- Liaise with staff members, Head Teacher, Chair of Governors or the Clerk and 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 2020, 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 sent 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 coordinator, 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 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 view 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