



**OAKLANDS CATHOLIC SCHOOL**

**AND**

**SIXTH FORM COLLEGE**

**With delegated responsibility from the**

**Catholic Academy Trust in Havant**

**COMPLAINTS POLICY**

<b>APPROVED BY ATC</b>	<b>9<sup>TH</sup> DECEMBER 2015</b>
<b>REVISION DUE</b>	<b>DECEMBER 2018</b>
<b>MEMBER OF STAFF RESPONSIBLE</b>	<b>HEAD TEACHER</b>
<b>STATUTORY / NON-STATUTORY</b>	<b>STATUTORY</b>

Community

Unity

Opportunity

## **Introduction**

Oaklands Catholic School and Sixth Form College prides itself on the quality of teaching provided for its pupils. 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. To this end “there must be the closest co-operation between parents and teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents or guardians and willingly listen to them” (Can. 796) At Oaklands Catholic School, therefore, dealing with parental concerns is an intrinsic part of the school ethos and mission. A climate of openness and partnership is essential. However, if parents have concerns, they can expect any issues to be treated seriously by the school in accordance with this policy document.

1.4 This Policy and Procedure will be relied upon for all complaints made against the Academy Trust, Local Governing body of Oaklands or the school except with regard to:

1. child protection allegations, where the Child Protection Policy applies;
2. exclusions, where the Exclusions Policy applies;
3. admissions to an Academy, where the Admissions Appeal Procedure applies;
4. complaint by a member of staff, where the Grievance Policy applies;

1.5 Each of the above can be provided by contacting the school

1.6 This Policy and Procedure has been developed in accordance with section 29 of the Education Act 2002 and section 25 of the Education (Independent School Standards) (England) Regulations 2012, which state that academies are required to have published a procedure for dealing with complaints by parents/carers or students, which must be made available on request.

1.7 Should any parents/carers need support in understanding the details of this document, then they should contact the school, who will be able to provide support.

## **General Principles**

### **Framework**

This Policy will:

1. aim to balance the rights and responsibilities of students, parents and school staff and to recognise the responsibilities rest within each of these
2. encourage resolution of problems by informal means wherever possible;
3. be easily accessible and publicised;
4. be simple to understand and use;
5. be impartial and non-adversarial;
6. enable swift handling of concerns and complaints within established time-limits for action and ensure complainants are kept informed of the progress of their complaint;
7. ensure a full and fair investigation by an independent person where necessary;
8. provide respect for a complainant’s desire for confidentiality;
9. address all the points at issue and provide an effective response and appropriate redress, where necessary;

10. provide information to the school's Senior Leadership Team so that services can be improved,

A complaint is not part of any staff disciplinary process and staff who may be interviewed as part of the investigation will be treated fairly and have an opportunity to state their case.

Staff will be offered support in dealing with any investigation into a complaint. Any member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response as a result of the investigation. Any disciplinary procedures that may arise from the investigation will be dealt with separately under the School's Policy and associated procedures. Disciplinary action will not be disclosed to the complainant

### **Investigating Complaints**

2.2.1 When investigating a complaint the person carrying out the investigation will:

1. Not be tainted by previous information related to the complainant
2. Establish what has happened so far, and who has been involved;
3. Clarify the nature of the complaint and what remains unresolved;
4. Meet with the complainant or contact them (if further information is necessary);
5. Clarify what the complainant feels would put matters right;
6. Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
7. Conduct the interview with an open mind and be prepared to persist in the questioning;
8. Keep notes of the interview.

### **Resolving Complaints**

2.3.1 At each stage in the Procedure the school will endeavour to resolve the complaint; it may be sufficient to acknowledge that the complaint is valid in whole or in part and in addition, to offer one or more of the following:

1. An apology, where this is necessary it will be given on behalf of the school even if it pertains to the action of an individual
2. An explanation;
3. An admission that the situation could have been handled differently or better;
4. An assurance that the event complained of will not recur;
5. An explanation of the steps that have been taken to ensure that it will not happen again;
6. An undertaking to review Policies and Procedures in light of the complaint.

2.3.2 Complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

2.3.3 An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

### **Dealing with Initial Concerns**

2.4.1 The school is clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

2.4.2 The procedures within this document deal primarily with complaints, but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures.

2.4.3 The requirement to have a Complaints Policy and Procedure need not in any way undermine efforts to resolve the concern informally. In most cases a teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. Staff should therefore endeavour to resolve issues on the spot, including apologising where necessary.

2.4.4 It is in everyone's interest that concerns are resolved at the earliest possible stage. The experience of the first contact between the complainant and the School can be crucial in determining whether the complaint will escalate.

2.4.5 The formal Complaints Procedure will be invoked only when initial attempts to resolve a concern are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further and make a formal complaint.

### **Procedures for Raising / Dealing with a Concern**

3.1 Any person who has a concern should make contact with the appropriate member of staff to discuss the nature of the concern. The issue raised could relate to something specific, for example marking of books to something holistic for example the application of an academy policy. If the member of staff cannot deal with the matter immediately he/she should make a clear note of the date, name and contact details of the parent/carer and agree a convenient time to make contact.

3.2 The member of staff should discuss details of the person's concern and try to identify what action/outcome the person is looking for and seek to resolve the matter informally through direct discussion. The member of staff may include a more senior member of staff in the discussions, if this is thought to be appropriate.

3.3 If no satisfactory solution can be found then the person may wish to proceed through the formal complaints procedure.

### **Procedures for Raising / Dealing with Complaints**

#### **4.1 Outline**

4.1.1 There are two School-based stages which are likely to be sufficient for resolving most complaints:

1. Stage One: formal complaint heard by the Headteacher.
2. Stage Two: complaint heard by members of the Local Governing Body sitting as an Appeal Panel.

4.1.2 It would be expected that the complainant has sought to resolve the complaint via Stage One prior to proceeding to Stage Two.

4.1.3 When moving to Stage Two the Clerk to Governors will co-ordinate the appeal.

4.1.4 Where the complaint concerns the Head or a member of the Local Governing Body or a matter relating to the Academy Trust's business, the matter will be referred to the Chair of the Trust's Board of Directors.

4.1.5 If a complainant makes direct complaint to the Governing body and it is relevant to manage this under stage 1 of the procedure it will be passed back to the school

4.1.6 Governors or Directors must not act unilaterally to consider an individual complaint outside the formal procedure, be involved at the early stages of the complaint or discuss the matter with other Governors or Directors as they may be required to sit on an Appeal Panel at a later stage of the procedure. If they have any concerns about the procedure to adopt they should seek advice from the Company Secretary.

4.1.7 An Appeal Panel hearing is the last School-based stage of the complaints process and is not convened to merely rubber-stamp previous decisions. All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act requests access to them.

The Clerk to Governors is responsible for holding records centrally.

4.1.9 Complaints need to be considered, and resolved, as quickly and efficiently as possible; however, where further investigations are necessary, new time limits can be set. In this eventuality the complainant will be sent details of the new deadline and an explanation for the delay.

#### **Stage One Procedure: Formal Complaint Heard by the Headteacher/investigating officer**

4.2.1 Stage One formal complaints should be made in writing using the School's Complaints Form (see Appendix 1) and submitted to the person named on the form.

4.2.2 The school will acknowledge receipt of the complaint within three school days. The written acknowledgement should give an explanation of the Complaints Policy and Procedure and a target date for providing a response to the complaint, which would normally be within ten school days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target.

4.2.3 The school will consider whether it is appropriate to seek legal advice in relation to the complaint and where appropriate do so through the Academy Trust's legal advisors. In these circumstances, the Head will immediately inform the Trust's Chief Chair of the relevant Local Governing Body of the detail of the complaint and that legal advice is being sought.

4.2.4 In considering the complaint, if the Head realises that it will be difficult to maintain impartiality then the Chair of Governors will hear the complaint. The investigating officer will be another member of the Senior team. In all circumstances the investigating officer, normally the Headteacher, will provide an opportunity for the complainant to meet him to provide any further information to the complaint. Depending on the nature of the complaint, statements from witnesses may be required. The Head may delegate the task of collating the information from the complainant and witnesses to another staff member, but must take the decision on the action to be taken as a result. The Trust and the school must respect the views of a complainant who indicates that he/she would have difficulty discussing the detail of the complaint or does not want to be used as a witness. If insufficient evidence can be found in relation to the complaint then this will be noted by the investigating officer.

4.2.5 If the complaint centres on a student, the student may also be interviewed. When students are interviewed in a formal situation, his/her parent/carer ought to be present. If this is not possible, then a member of staff who is known and trusted by the student and in agreement with the student and parent/carer should be invited to attend. If the complaint is between a student and a member of staff the member of staff has the right to have their representative at any formal meeting with a student. They may not question the student but through the investigating officer may ask for clarification.

4.2.6 In the event of a formal complaint being made against the Chair of Governors, the complaint will be reviewed by a grievance panel consisting of 2 governors and an independent and suitably qualified person. The school should seek guidance on this process from the Diocese Educational Officer. The Committee will decide if the complaint has merit by reviewing the written information and will make any recommendations it feels appropriate to enable resolution of the matter. The outcomes will be communicated in writing within ten working school days to both sides by the Chair of the Panel, with reasons for the outcomes given.

\* The Review should normally take place within ten working school days of receipt of the request. If this is not possible, the complainant will be informed of the review date.

\* Under this complaints procedure there is no further stage for a complaint against the Chair of Governors.

4.2.7 A formal complaint against a governor other than the Chair should be referred to the Chair, who will investigate and then decide on any appropriate action. In extreme cases this might include making a recommendation to the Governing Body about possible suspension.

4.2.8 At the end of any meeting/conversations with the complainant or witnesses, the member of staff conducting the interview should ensure that the interviewee has the same understanding of what was discussed and agreed. Written records of all meetings and telephone conversations should be recorded, together with any correspondence or other relevant documents. The Complaints Co-ordinator will be responsible for the records and will hold them centrally.

4.2.9 When all of the relevant facts have been established, the Head/Chair of Governors should produce a written response to the complainant. The written response should include a full explanation of the decision and the reasons for it. Where appropriate, this should include any action the School will take to resolve the complaint. The complainant should be advised that if they wish to take the

matter further, they should notify the Chair of the Local Governing Body within ten school days of receiving the outcome letter.

### **Stage Two Procedures: Complaint Heard by the Local Governing Body's Appeal Panel**

4.3.1 If a complainant is not satisfied with the outcome of a stage one hearing, then they should write to the Chair of the Local Governing Body within ten school days of receiving the outcome letter, stating that they are seeking an appeal of the outcomes and the reasons why.

4.3.2 The Chair, or a nominated governor, will direct that an Appeal Panel be convened and that the appeal be heard at a private meeting, co-ordinated by the Clerk to the Local Governing Body.

4.3.3 Members of the Appeal Panel should include an individual independent of the school and two other governors who have not been directly involved in the matters detailed in the stage one hearing.

4.3.4 The Panel members need to be aware of the provisions of the Complaints Policy and Procedure.

4.3.5 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the School and the complainant. It must however 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 and dealt with in accordance with the Complaints Policy and Procedure.

4.3.6 Appendix 3 outlines the roles and responsibilities of the Appeal Panel members.

### **Investigations by the Appeal Panel**

4.4.1 Upon receipt of a written request by the complainant for their complaint to proceed to stage two, the procedures outlined below should be followed.

4.4.2 The Chair of the Local Governing Body or the Local Governing Body Clerk should write to the complainant to acknowledge receipt of the written request within three school days. The acknowledgement should inform the complainant that the Local Governing Body will set up an Appeal Panel, who will hear the complaint within twenty school days.

4.4.3 The Clerk to the Local Governing Body should convene a meeting of the Appeal Panel within the agreed timescales. Failure to convene an Appeal Panel within this time will not invalidate the Panel's decision. The Clerk should be responsible for making all the arrangements for the meeting, including the time and place. The complainant, Head, any relevant witnesses and members of the Appeal Panel should be informed at least five school days in advance of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied at the meeting by a friend/advocate/interpreter. The letter should also explain how the meeting will be conducted.

4.4.4 The Head or investigating officer should be invited to attend the Appeal Panel meeting and to prepare a written report for the Panel in response to the complaint. Any relevant documents, including

the Head's report, and any documentation supplied by the complainant should be received by all concerned, including the complainant, at least five school days prior to the meeting.

4.4.5 The Appeal Panel should elect a Chair for the meeting. The meeting should be appropriately minuted.

4.4.6 The Panel should try to ensure that the meeting is not too formal or intimidating for those involved. All should be told the names of everyone present and have the procedure explained to them at the beginning of the meeting.

4.4.7 The meeting should allow:

1. The complainant (or his/her representative) to explain his/her complaint(s) and the Head/investigating officer to explain the School's response.
2. The complainant to question the Head/investigating officer and/or other members of staff about the School's response, and the Head/investigating officer to question the complainant about the complaint.
3. Panel members to have an opportunity to question the complainant, the Head/investigating officer and any witnesses, as appropriate.
4. Final statements to be made by both the Head/investigating officer and the complainant.

4.4.8 The Panel should then consider the complaint and all the evidence presented, (without the presence of the complainant, the Head/investigating officer or any witnesses) and reach a majority decision on the complaint which may include dismissing the complaint in whole or in part or upholding the complaint in whole or in part.

4.4.9 The Panel will then decide upon the appropriate action to be taken to resolve the complaint in line with the procedure

4.4.10 Where appropriate, recommend changes to the School's systems or procedures to ensure that problems of a similar nature do not happen again. Recommendations should be reported to the Local Governing Body and the Academy Trust at an appropriate time.

4.4.11 Where appropriate to do so, recommend any further action.

4.4.12 The Clerk to the Local Governing Body should send the complainant, the Head and Chair of Governors a written statement outlining the decision of the committee within five school days of the meeting. The complainant should be informed of the process of contacting the Trust or the EFA should they feel that the correct procedures for responding to the complaint have not been followed or that their rights have been breached.

4.4.13 Copies of all correspondence should be kept on file in the Governors' records.

#### **Further Action**

4.5.1 Following a decision made by the Appeal Panel, the complainant has no further right of appeal within the school-based procedures, except where they consider that the process followed by the Appeal Panel has been unfair. If this is the case, the complainant can write to the Chair of the Trust to

conduct a review to ensure that reasonable procedures have been followed, (as set out in this policy), that the complainant has been treated fairly and that there has been no breach of statutory regulations.

4.5.2 The complainant may also contact the Education Funding Agency (EFA) via the process outlined in the link below.

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school/complaints-free-schools-academies>

4.5.3 The EFA cannot change the decision a School has made about a complaint though they can look at whether a School has dealt with complaint in line with legal requirements.

4.5.4 If the EFA upholds a complaint against a school it can do one or both of the following:

1. ask the School to reconsider the complaint from an appropriate stage;
2. ask the School to change its complaints procedure so that it complies with legal requirements.

## **5. Vexatious or Persistent Complaints**

5.1 If properly followed, the complaints procedure will limit the number of complaints that become protracted; however, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. See Appendix 2 for further information related to Vexatious complaints.

5.2 If the complainant tries to reopen the same issue, the Chair of the Local Governing Body will be able to inform them, in writing, that the procedure has been exhausted and that the matter is now closed. The school can consider legal action against Vexatious or Persistent Complaints

## **Local Governing Body - Complaints Monitoring**

6.1 The Local Governing Body will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the Local Governing Body will not name individuals.

6.2 As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to School improvement. When individual complaints are heard, the school will identify any underlying issues that need to be addressed.

6.3 The Trust will review School complaints annually.

## **Publicising the Procedure**

7.1 Details of the Complaints Policy and Procedure are included in:

1. The information given to new parents/carers when their children join an School;
2. The school website



## Appendix 1

### Complaint Form

Please complete and return to Headteacher

Your name: Pupil's name: Your relationship to the pupil: Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint.
What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?
What actions do you feel might resolve the problem at this stage? (see 3.2.1)
Are you attaching any paperwork? If so, please give details

Signature:

Date:

## Appendix 2

The Trustees, governing body and school are fully committed to the improvement of Oaklands. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. The procedure in the policy indicates how parents can follow up any concerns they have.

Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.

The aim of this Appendices is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.

What do we mean by ‘an unreasonably persistent complainant’?

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner.

Unreasonable behaviour may include actions which are:

- out of proportion to the nature of the complaint, or
- persistent – even when the complaints procedure has been exhausted, or
- personally harassing, or
- unjustifiably repetitious

Unreasonable behaviour may also include an insistence on:

- pursuing unjustified complaints and/or
- unrealistic outcomes to justified complaints
- pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
- making complaints in public or via a social networking site such as Facebook; or
- refusing to attend appointments to discuss the complaint.
- making or directing inappropriate comments at or to student, parents or staff.

### **What is ‘harassment’?**

We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.

Behaviour may fall within the scope of this policy if:

- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
- the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to school staff or others;
- it has a significant and disproportionate adverse effect on the school community.

What does the school expect of any person wishing to raise a concern?

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;
- keep communication to a reasonable and proportionate length;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- follow the school's complaints procedure.

### **Schools' responses to unreasonably persistent complaints or harassment**

This Appendix is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ or Harassment;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority.

### **Physical or verbal aggression**

The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- request an Anti-Social Behaviour Order (ASBO);
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the terms of this policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.