



## Procedure for Dealing with Complaints

### Introduction

- 1 St Philip Howard School is a Roman Catholic Voluntary Academy with a proud tradition of working for and supporting the community of Glossop and its surrounding area. As a Catholic Faith School, it is expected that parents, pupils and staff treat each other with respect and tolerance. We should all refrain from the use of social media about complaints as this leads to resentment and ill feeling and especially when making factually incorrect statements or disrespectful comments about any individual. Any comments of this kind will be noted and may be included in the investigation of any complaint. We are a community, and should all remember the values of respect and tolerance as we go forward together.
- 2 This is especially important when members of our school community are unhappy and wish to complain or are being complained about. It is expected that everyone is reasonable in how they might want their complaint resolved and equally when helping to resolve a complaint.
- 3 This procedure applies to general concerns or complaints that are received by St Philip Howard Catholic Voluntary Academy. It is based upon "The Education (Independent Schools Standards) Regulations 2014".
- 4 The school has separate procedures for complaints or appeals about the curriculum, special educational needs provision, exclusions, and admissions. Disciplinary action, grievances, capability issues, child protection or criminal investigations are also dealt with through separate specific procedures.

### Expectations under this procedure

- 5 When you bring a complaint to us under this procedure you may expect the school to:
  - 1 Take your complaint seriously
  - 2 Treat you with courtesy and respect
  - 3 Deal with it with discretion and confidentiality (if the matter relates to the safety and well-being of a child then we reserve the right to share details with other agencies)
  - 4 Offer you the opportunity to be accompanied by a friend, adviser or colleague
  - 5 Meet the timescales set unless there are good reasons to extend these – in which case you will be informed
  - 6 Seek and offer resolution at all stages
  - 7 Inform you of the action taken to resolve your complaint and of any measures to ensure that a similar complaint does not arise in the future

- 6 In turn we expect that:
- 1 Our staff will be treated with respect
  - 2 You will be mindful of the need to keep information relating to children confidential in the interests of all our students
  - 3 That you will enter into the procedure in the spirit of seeking resolution
  - 4 If we consider that disciplinary action may be necessary against our staff then we will deal with this under our disciplinary procedure and in confidence,

### **Unreasonable behaviour and managing vexatious complaints**

- 7 St Philip Howard Catholic Voluntary Academy is committed to providing the highest quality education, care and guidance for its pupils and will consider feedback, constructive criticism and complaints. However, the school does not tolerate behaviour that is abusive or threatening. If behaviour is unacceptable, action will be taken to restrict the individuals contact with pupils, members of staff and governors.
- 8 If a complainant is considered by the school to be acting unreasonably the Chair of Governors will write to the complainant to explain the way that any future complaints from that person will be dealt with. Any restrictions imposed will be appropriate and proportionate.
- 9 Further details are given in paragraph 11 and those which immediately follow.

### **The Different Stages in Making a Complaint**

- 10 In keeping with The Education (Independent Schools Standards) Regulations 2014 this procedure is structured in three stages allowing complaints to be dealt with through an agreed resolution in the simplest and most informal way possible. These three stages are:

**Stage One:** aims to resolve concerns through informal contact at the appropriate level in the school

**Stage Two:** this is the first formal stage where a complaint must be made in person by telephone or writing to either the subject Head of Department when concerning a teaching issue or to the Assistant Headteacher Pupil Welfare (AHT Pupil Welfare) when concerning the general running of the school. The subject Head of Department will assess whether the complaint can be resolved informally with the complainant and if this is not possible the complaint will be passed to the AHT Pupil Welfare. At this stage, the complaint will be investigated by the AHT Pupil Welfare who will respond in writing to the complainant on behalf of the Headteacher with a decision concerning the complaint.

**Stage Three:** this stage comprises of a Panel Hearing. The Panel will comprise of three governors and one independent member. The decision of the Panel will be final and there is no further process for appeal beyond this hearing.

- 11 **Stage One:** Informal Contact

- 1 Informal complaints should be directed to the relevant member of staff and these can generally be resolved by discussion of the issue.
- 2 When your concern is made known to us we will see you, speak to you by telephone or when neither of these options is viable write to you as soon as possible. All members of staff will know how to refer to the appropriate member of staff with responsibility for your issue. The staff member will make a note of the details of your concern (Annex A) and will check later to make sure the matter has been followed up.
- 3 If the issue is still unresolved, it should be taken to the subject Head of Department or if a more general matter the Head of Year. The Head of Department or the Head of Year will make enquiries concerning your concern and it may be necessary for them to contact the appropriate people or agencies able to help you.
- 4 Normally we will respond to you within ten working days and where actions have been agreed with you during your reporting of the concern we will set these out in writing to you.
- 5 At this point if you are still dissatisfied, you can request the matter is dealt with in a more formal way.

## 12 **Stage Two** – The Formal Complaint Procedure

- 1 If the complaint cannot be resolved informally, the complaint should be put in writing using the form in Annex B and sent to the Assistant Headteacher Pupil Welfare.
- 2 The AHT Pupil Welfare will inform the Headteacher and the Chair of Governors that a formal complaint has been made.
- 3 The Investigating Officer who will normally be the AHT Pupil Welfare who will acknowledge the complaint in 5 working days.
- 4 They will investigate the complaint within another 10 working days.
- 5 Having completed the investigation, the Investigating Officer will report to the Headteacher.
- 6 The Headteacher and Investigating Officer will decide on what course of action should be taken and the Investigating Officer will provide a written response to the complainant (generally a parent, carer or guardian) within 5 working days of completing the investigation.
  - i. Their response should include details of how the investigation was undertaken and who was spoken to
  - ii. An explanation of any decision reached with reference to the facts as ascertained by the Investigating Officer.
  - iii. A statement of what action if any will be taken explaining the reasons for this decision.

- iv. Advice to the complainant that they can write to the Chair of Governors requesting a hearing before a Panel Hearing explaining why the complaint has been handled wrongly because of either a wrongful process or inaccurate information or unjustified decision in the light of the facts available to the Investigating Officer. This must be done within ten working days of receipt of the decision of the Investigating Officer. When seeking a Panel Hearing it may be helpful for you to consider the following when explaining why you wish a Panel Hearing to be called:
  1. The Investigation was flawed and materially affected the decision of the Investigating Officer
  2. The facts on which the Investigating Officers decision was reached are materially incorrect or incomplete
  3. The decision of the Investigating Officer is demonstrably unjustifiable or unreasonable or against natural justice

### **Unreasonable Behaviour and Managing Vexatious Complaints**

- 13 If a complainant is considered by the school to be acting unreasonably the Headteacher will write to the complainant to explain the way any future complaints from that person will be dealt with. Any restrictions will be reasonable and proportionate.
- 14 Use of social media to make disparaging or disrespectful comments about individuals or the school may be considered to be unreasonable behaviour. It should be remembered that its use will not lead to an agreed course of action in resolving a complaint but is rather the public airing of what should be a private issue between parents and the school.
- 15 When the issue is of general concern, such as a school policy parents can write to the Board of Governors raising any issues they have, and these can be dealt with and considered by both the appropriate Committee (Teaching and Learning, and Pupil Welfare) and after that by the Governing Board. Parents wishing to raise issues of this nature should write to the Headteacher asking that Governors be requested to consider the issue of concern.
- 16 Whilst it is hoped that this policy will reduce any dissatisfaction with the school, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with the school and the outcomes achieved under the complaints policy.
- 17 Where a complainant attempts to re-open an issue which has already been dealt with under the complaints policy, the Chair of Governors will contact them to inform them that the matter has already been dealt with and that either that stage of the policy has been exhausted or that the complaints policy has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious and the school will be under no obligation to respond to that correspondence.
- 18 A persistent complainant is a parent/carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the school, and whose behaviour is unreasonable. Such behaviour may be characterised by:

- 1 actions which are obsessive, persistent, harassing, prolific, repetitious;
  - 2 prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
  - 3 uses Freedom of Information requests excessively and unreasonably
  - 4 an insistence upon pursuing unsubstantial complaints and/or unrealistic or unreasonable outcomes;
  - 5 an insistence upon pursuing complaints in an unreasonable manner;
  - 6 an insistence on only dealing with the Head teacher on all occasions irrespective of the issue and the level of delegation in the school to deal with such matters;
  - 7 an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the school because it is unlawful.
- 19 For the purpose of this policy, harassment is the unreasonable pursuit of such actions as in 5.3 (a) to (g) above in such a way that they:
- 1 appear to be targeted over a significant period of time on one or more members of school staff and/or
  - 2 cause ongoing distress to individual member(s) of school staff and/or
  - 3 have a significant adverse effect on the whole/parts of the school community and/or
  - 4 are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.
- 20 In the case of persistent or vexatious complaints and/or harassment, the school will verbally inform the complainant that their behaviour is considered to be becoming unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with this policy. This will be confirmed in writing.
- 21 If the complainant's behaviour is not modified the school will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the school community:
- 1 inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable and, therefore, to fall under the terms of this;
  - 2 inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties;
  - 3 inform the complainant that, except in emergencies, all routine communication with the complainant to the school should be by letter only;
  - 4 in the case of physical, or verbal aggression warn the complainant about being banned from the school site; or proceed straight to a ban;

- 5 consider informing the police who may seek to take further action under antiharassment / malicious communication legislation;
- 6 consider putting in place a specific procedure for dealing with complaints from the complainant, i.e. the complainant will not be able to deal directly with the Head teacher but only with a third person to be identified by the governing body of the school, who will investigate, determine whether or not the concern/complaint is reasonable or vexatious and then advise the Head teacher accordingly

### **Closure of Complaints**

- 22 There may be occasions when the school will decide to close a complaint where the complainant is still dissatisfied.
- 23 When the school has tried all it can to help but cannot satisfy the complainants wishes and no resolution is possible. Sometimes a case of agreeing to disagree can be the only outcome and ultimately if a parent feels strongly enough they can choose to send their child to another school.
- 24 If a complainant persists in making representations to the school over minor matters which should be resolved informally as the formal procedures are time consuming and will take teachers away from their primary role of teaching. Please remember that as members of our school community we ask you to be reasonable. Unjustified and unreasonable complaints do cause distress to the people involved and it would be wrong for the school to allow the complaints to continue and take up time and effort on minor issues which should be easily resolved.

### **Complaints Concerning the Personal Conduct of the Headteacher**

- 25 When a complaint directly concerns the personal conduct of the Headteacher, the complaint should be sent directly to the Chair of Governors who will assess and determine who should investigate the complaint. This investigation will normally be conducted by the Vice Chair or another Governor who is Chair of one of the Sub-Committees within the governance structure but may be the Chair of Governors.
- 26 The Investigating Governor will be supported by the Clerk to the Governors throughout the process and will report to the Chair of Governors the facts of the matter and will normally investigate the matter within ten working days.
- 27 When in receipt of the investigation report the Chair of Governors will interview the Headteacher within five working days. The Headteacher may be accompanied by an advisor or supporter when interviewed if they so desire. The Chair of Governors may be accompanied by a legal advisor if so deemed necessary. The Clerk to the Governors will take a record of the interview which will be made available to the Headteacher and their advisor.
- 28 The Chair of Governors will decide any outcome which will be reported to the Complainant and the Headteacher.
- 29 The Headteacher may appeal to a Panel Hearing.

### Stage Three - The Panel Hearing

- 30 The Chair of Governors will normally acknowledge receipt of the request for a Panel Hearing within five days of receipt of the request. Complainants must understand that the Chair of Governors is not an employee of the school and may be uncontactable (annual leave/personal commitments) or not in receipt of their school mail. They will however be in contact within five days of reading the request via the Clerk to the Governors
- 31 The Panel Hearing will be convened within twenty days of the request. You will be informed of the date at this point and will also include any documents relevant to the investigation of the original complaint. The documents may be edited to avoid identifying any students involved. This letter will also inform you of your right to be accompanied by a supporter
- 32 Any further documentation must be made available to either the school or the complainant five working days before the Panel Hearing. If this information is not available to both parties it will be excluded from the Hearing and deemed inadmissible.
- 33 The Panel will consist of three Governors and one independent member. When the Chair of Governors has been materially involved in a complaint, they will be in attendance as a reporting Governor and replaced as Chair of the Panel by either the Vice Chair or one of the Committee Chairs. Their replacement will always occur when the appellant is the Headteacher.
- 34 The procedure for a Panel Hearing is usually as follows:
- 1 The complainant and Head teacher accompanied by the Investigating Officer will enter the hearing together.
  - 2 The chair will introduce the panel members and outline the process.
  - 3 The complainant will explain the complaint.
  - 4 The Head teacher, Investigating Officer and Panel will question the complainant.
  - 5 The Head teacher or the Investigating Officer will explain the school's actions.
  - 6 The complainant and panel will question the Head teacher and the Investigating Officer.
  - 7 The complainant will sum up their complaint.
  - 8 The Head teacher and Investigating Officer will sum up the school's actions.
  - 9 The chair will explain that both parties will hear from the panel within 5 school days.
  - 10 Both parties will leave together while the panel makes its decision.
  - 11 The clerk will stay to assist the panel with its decision making.
- 35 If the Panel decide the original investigation was satisfactory they will write to the complainant explaining their reasons. A copy of this letter will be sent to the member of staff about whom the complaint was made.
- 36 If the Panel decide the original investigation was unsatisfactory they will set out their reasons and decide on the most appropriate course of action which will be sent in a letter to the complainant and the member of staff concerned. This may include:
- 1 An apology
  - 2 An explanation
  - 3 An admission the situation could have been handled better or differently

- 4 An assurance the event complained of will not happen again
  - 5 An explanation of the steps taken to ensure it will not happen again
  - 6 An undertaking to review school policies in the light of the complaint
- 37 The Clerk to the Governors will ensure a full record of the proceedings including copies of all papers is kept at the school in a secure area. These records are confidential to the parent, the Panel Members, and the members of staff involved in the original complaint.

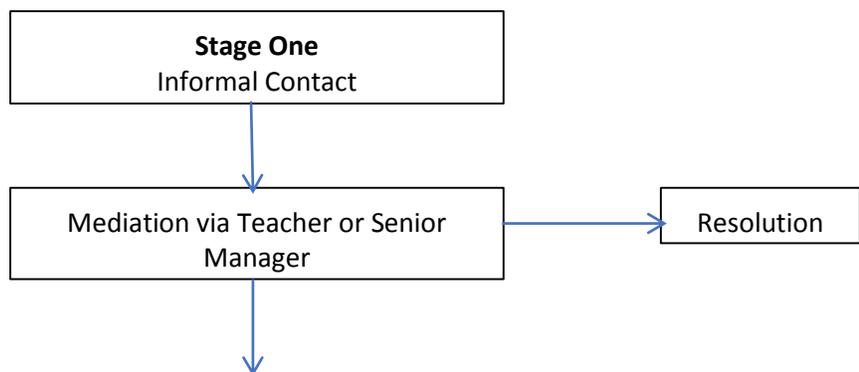
### **Record of complaints**

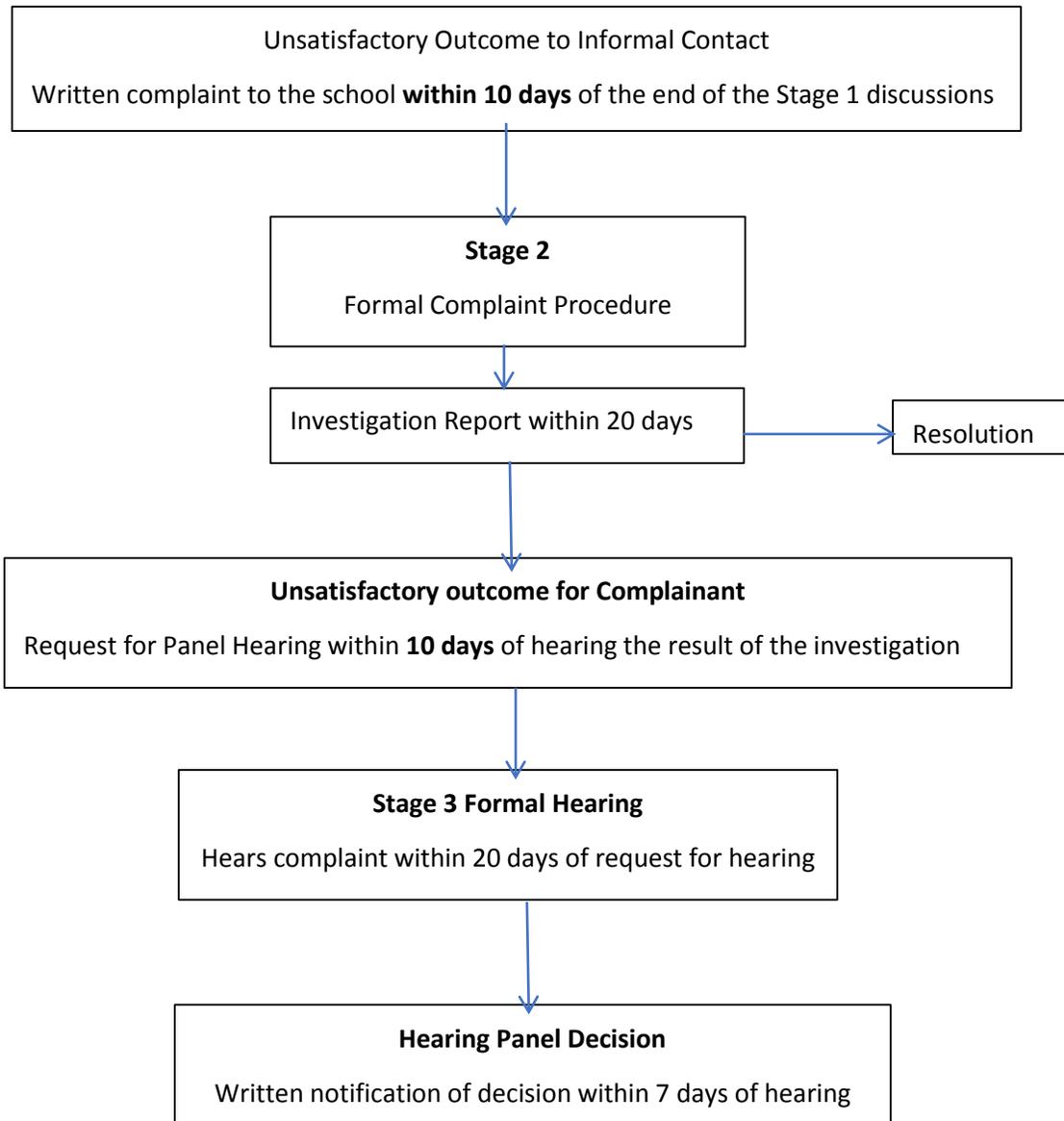
- 38 A written record of all complaints and documentation relating to the handling of the complaint will be kept confidentially by the school but may be inspected where appropriate by the Secretary of State or any inspection body.
- 39 The record of complaints should be kept for at least three years.

### **Still Unhappy**

- 40 If you still feel the school has not resolved your complaint in the way it should then you can write to the Secretary of State via the Education & Skills Funding Agency (ESFA). Further details can be found at: <https://www.gov.uk/complain-about-school>.

## General Complaints Process





**Complaints Procedure: Management of Stages**

Complaint Relates to	Stage 1: Informal	Stage 2: Investigation	Stage 3: Panel Hearing
		Investigating Officer	
Pupils, Parents, staff (excluding the Headteachers' personal conduct)	The appropriate member of staff	The Subject Head of Department or AHT Pupil Welfare	Panel of Governors appointed by the Chair plus one independent member

The Headteacher	The Headteacher	Chair of one of the SubCommittees or the Vice Chair	Panel of Governors appointed by the Chair plus one independent member
A Governor or Governor other than the Chair of Governors	The Chair of Governors	Chair of one of the SubCommittees or the Vice Chair	Panel of Governors appointed by the Vice Chair plus one independent member
The Chair of Governors or a group of governors including the Chair	The Chair of Governors	Chair of one of the SubCommittees or the Vice Chair	Panel of Governors appointed by the Vice Chair plus one independent member
The whole body of Governors	Moves to formal investigation by the Diocesan Education Service	An officer appointed by the Diocesan Education Service	A panel appointed by the Diocesan Education Service

Note: Governors will not be part of any Stage 3 panel if involved in any of the previous management stages.

**Annex A**  
**Stage 1 - Initial Record of concern/complaint**

<b>School</b>	
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<b>Name of Complainant</b>	
<b>Name of Child</b>	
<b>Date of Contact with School</b>	
<b>Nature of concern</b>	
<b>Actions Taken</b>	
Signature	Date

**Annex B**

Please complete and return to the Assistant Headteacher (Pupil Welfare) who will acknowledge receipt and explain what action will be taken.

Stage 2 - Complainant Form
Your name:
Pupil's name:
Your relationship to the pupil:
Address:
Postcode:
Telephone number:
Email:
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?

Are you attaching any paperwork? If so, please give details.

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Signature:

Date:

Official use