

# OUR LADY OF LOURDES POLICY AND PROCEDURES GUIDE

## Subject: Complaints Procedure

**Policy Reference: 2.09**  
**Issue Date: 07/01/15**

**Champion: JC**  
**Review Date: 07/03/18**

**Status: STATUTORY POLICY. To be reviewed: FGB to determine. To be ratified by: Headteacher**

### **Mission Statement**

At Our Lady of Lourdes Primary School we learn to live and love like Jesus, to help one another and treat everyone with kindness, respect and understanding.

God is always with us.

### **1. Introduction**

The School is committed to providing a quality service and achieving the highest standards of conduct in meeting the needs of pupils, parents and others in the community who have a stake in the school and has adopted these commitments as its values. One of the ways in which we can continue to improve our service is by listening and responding to the views of our stakeholders. This includes members of staff, parents, members of the local community and the LEA. The Governing Body believes that constant feedback is an important ingredient in self improvement and raising standards. People whether they be pupils or adults, who have concerns or complaints should feel that they can be voiced and will be considered seriously.

There is a difference between a concern and a complaint. We take concerns very seriously and we make every effort to resolve the concerns through informal discussions between teacher, pupil and parent using the underlying principle that concerns ought to be handled, if at all possible, without the need for formal procedures and that the requirement to have a complaints procedure, need not in any way undermine our efforts to resolve concerns informally

However we recognise that it may not be possible to address all concerns in a manner which provides an acceptable explanation to all parties and if the concern is not resolved by the means of informal discussion then it could become a complaint. Where initial attempts to resolve the concerns informally are unsuccessful, and the person raising the concern remains dissatisfied with the outcome and wishes to take the matter further they would then resort to the formal complaints procedure.

### **2. Aims and Objectives**

In view of the above approach, this Policy seeks to outline appropriate procedures for handling complaints and in doing so we aim to ensure that:

- making a complaint is as easy as possible;
  - we treat a complaint as any clear expression of dissatisfaction with our service which calls for a response;
  - we treat it seriously whether it is made in person, by telephone, by letter, by fax, or by e-mail;
  - we deal with it promptly, politely and, where appropriate, informally (for example, by telephone);
  - we respond in the right way - for example, with an explanation, or an apology where we have got things wrong, or information on any action taken etc;
  - we learn from complaints, and use them to improve our service.
- We ensure that any Investigations are full, fair and swift.  
We keep people informed of progress and the decisions reached.  
We make every effort to respect confidentiality.

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### **3. What constitutes a Complaint?**

The need for a Parent, Pupil, Member of Staff or other stakeholder to make a formal complaint may arise in any one or more of the following situations:

- When the school / a member of staff does not provide a curriculum to meet the needs of the children.
- When there are issues of physical or emotional well-being and security.
- When the school's stated values or aims are being ignored.
- When there is a breach of the law.
- When the school / a member of staff fails to carry out a statutory duty
- When the school fails to provide statutory information.
- When the school / a member of staff fails to act reasonably
- When the school fails to comply with the law on charging for school activities

### **4. General Roles and Responsibilities**

Listed here are the general responsibilities of Headteacher, other staff, and governors. Specific roles and responsibilities within the stages of the complaints procedure are detailed in section 6.

The **Headteacher** will ensure that:

The legal requirement for the Complaints Procedures to be publicised is met. It is up to the GB to decide how to fulfill this requirement but details of the Complaints Procedures could be included in:

- the school prospectus;
- the governors' report to parents;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- the home-school agreement;
- home school bulletins or newsletters;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;
- the school website.

All complaints are taken seriously and dealt with sensitively

All complaints are responded to personally or delegated to an experienced member of the senior management team

Where necessary, explain the legal position with regard to Teaching & Learning, and the scope available to the school to make changes

The nature of all complaints and the action taken will be documented and a summary included in their report to the governors, with advice on any policy implications. The report will indicate the number and nature of complaints, the recommended action or decisions taken and the outcomes of those decisions.

Pupils, parents and other stakeholders who have concerns are encouraged to follow the complaints procedure.

The **Governing Body** will ensure that:

A complaints committee consisting of three governors is established with delegated responsibility to hear complaints, advise the head on the action/decision required, and write to the complainant within two weeks, explaining the action taken.

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If the complaint is not upheld, it will inform the complainant of their right to appeal to the LEA.

The level and nature of all complaints are monitored and that recommended actions are implemented.

The outcomes are reviewed on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole GB will not name individuals.

As well as addressing an individual's complaint, ensure that the process of listening to, and resolving, complaints contributes to school improvement.

Identify any underlying issues that need to be addressed and implement an appropriate action plan.

### **5. How to Make a Complaint**

This section explains how to make a complaint about the School's services.

You can make a complaint by writing, fax, e-mail, telephone or in person (by appointment please).

If you are writing or faxing your complaint, please provide your telephone number if a response by telephone would be convenient. The preferred format for the submission of written complaints is shown in Appendix B.

If you are e-mailing, please state if a reply by telephone is acceptable or if a response by e-mail is required, if not, please provide your full postal address.

If you know the part of the School which is relevant to your complaint, or the name or title of an appropriate member of staff, please make your complaint direct to them.

If you do not have this information please contact the School Office who will give you the contact details for the most appropriate person.

All complainants have the right to be accompanied when making their complaint, and pupils may be accompanied by a parent or another adult.

### **6. Three Stages of the Complaints Procedure**

#### **Stage One - Concern heard by Staff Member**

It is in everyone's interest that concerns are resolved at the earliest possible stage through informal discussion. Therefore every encouragement is made to ensure that the complainant raises their concerns initially with the member of staff most directly associated with their concern.

The school respects the views of a complainant who indicates that he/she would have difficulty discussing a concern with a particular member of staff. In these cases, the complainant can be referred to another staff member. Where the complainant's concern is about the Headteacher, the complainant can be referred to the chair of governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, it may be considered appropriate to refer the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to a governor, they would refer the complainant to the appropriate person and advise them about the procedure. Governors cannot act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

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### Stage Two - Complaint Heard by Headteacher

At this point, the complainant may be dissatisfied with the way the concern was handled at stage one or may be pursuing their initial complaint.

The Headteacher will request that the complainant put the complaint in writing in line with the format shown in Appendix B so that it can be investigated.

The head may delegate the task of collating the information to a member of the Leadership team but not the decision on the action to be taken.

The Headteacher will document the complaint (names, dates, times, events), send an acknowledgement to the complainant in writing within three days of receipt, and consult with all those directly concerned.

The Headteacher will carry out a full and fair investigation of the Complaint and in doing so will make sure that they:

- establish what has happened so far, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview(s).

The Headteacher will provide the complainant with a written explanation of the action taken within ten school working days following the complaint and advise the complainant of their right to pursue the matter with the governing body

### Stage Three - Complaint Heard by Governing Bodies Complaints Appeal Panel

At this point, the complainant may be dissatisfied with the way the concern was handled at stage two or alternatively the complaint may be against the Headteacher in which case The Chair of Governors will have heard the complaint at stage two. If the complainant is not satisfied with the decision of the chair of governors at stage two, then a formal complaint may be made to the governing body through the clerk to the governors.

The complainant needs to write to the Chair of Governors or the clerk to the governing body as detailed above, giving details of the complaint and ideally state what actions they feel might resolve the problem at this stage. Within 15 school working days of receiving the complaint the Chair of Governors, or a nominated governor, or the clerk to the Governors will convene a GB complaints panel consisting of between 3 and 5 members with delegated powers to consider the complaint.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The procedure adopted by the panel for hearing appeals is as detailed in Appendix A.

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The complainant will be given seven school working days' notice of the Complaints Panel meeting, and may take a friend or other person to provide support at the meeting. Within ten school working days of that meeting the complainant will be informed of the decision in writing, the reasons for it, and any action to be taken by the school. The decision of the complaints committee is final. The letter will explain the complainants further rights to appeal to the LEA where applicable, and, if so, to whom they need to be addressed.

Where a complainant considers that the school is not complying with the legal requirements of council policy in respect of a pupil's education then the LEA can provide the complainant, the governors or the head with further advice.

Where a complaint is about the governing body this can be referred to the LEA. If that fails to produce a satisfactory response it can then be referred to the Secretary of State. If the complaint is upheld and the governing body fails to follow the directions of the Secretary of State, the judgment may be legally enforced.

### 7. Resolving Complaints

At each stage in the procedure we will always want to keep in mind ways in which a complaint can be resolved. It might be appropriate to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- 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 recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It would be useful if complainants were 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 an admission of negligence.

Appdx A & B attached

**APPROVED .....** **CHAIR OF GOVERNORS**

**Date .....**

**..... HEADTEACHER**

**Date .....**

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### Appendix A

## Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

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Appendix B

### Complaint Form

Please complete and return to ..... (Complaints coordinator) who will acknowledge receipt and explain what action will be taken.

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?

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

Signature:

Date:

Official use:

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

APPROVED ..... CHAIR OF GOVERNORS ..... HEADTEACHER