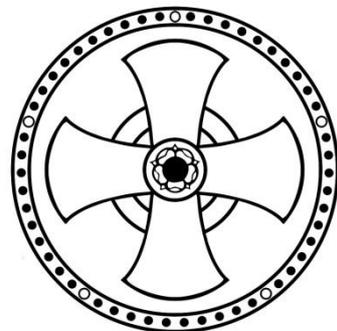


Our Lady of Lourdes Catholic Primary School

Complaints Procedure

February 2017

Live
Love
Learn



Our Lady of Lourdes Catholic Primary School
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SCHOOL MISSION STATEMENT

Our purpose is to live, love
and learn
as a school community
in partnership with home,
parishes and the wider world.

We place our faith in God,
And the Gospel Values of His Son,
Jesus Christ,
At the centre of all we do.

We come together
as witnesses to His example;
to serve, to challenge
and to encourage growth
into all that we are created to be.

Each individual shares
in the role of teacher and learner.
We rejoice in, and celebrate
all our achievements and uniqueness,
as a family.

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Introduction

Our Lady of Lourdes Catholic Primary School endeavours to provide the best education possible for all of its pupils in an open and transparent environment. We welcome any feedback that we receive from parents, pupils and third parties, and we accept that not all of this will be positive. Where concerns are raised the school intends for these to be dealt with:

- Fairly
- Openly
- Promptly
- Without Prejudice

In order to do so, the governing board of Our Lady of Lourdes Catholic Primary School has approved the following procedure which explains what you should do if you have any concerns about the school. All members of staff will be familiar with the procedure and will be able to assist you.

Which procedure do I need?

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them. The following list details specific topics of complaints, and the correct policy to refer to. You can access these policies on the school website or ask for a copy from the main school reception.

- Pupil admissions; please see the school's admissions policy
- Pupil exclusions; please see the LA Guidelines on Exclusions
- Staff grievance, capability or disciplinary; these are covered by the school's Grievance, Capability and Disciplinary Procedures.
- Where the complaint concerns a third party used by the school; please complain directly to the third party themselves.
- Anonymous complaints – please refer to the whistleblowing policy.
- Subject Access Requests and Freedom of Information Requests – please see the school's Data Protection and Freedom of Information policy
- Safeguarding concerns – in the first instance contact the Local Authority Designated Officer for Child Protection: Darrel Clews 01273 295643

Raising concerns

The majority of concerns can be dealt with without resorting to the procedure. Where you have a concern about any aspect of the school or your child's education or wellbeing, raise this with your child's class teacher via the phone or in person. Ideally, they will be able to address your concerns on the spot, or can arrange a meeting with you to discuss the issue.

All concerns will be dealt with confidentially, although the staff member may need to take notes if they feel that the matter may need to be taken further or it may arise again in the future. Any such notes will be kept in accordance with the principles of the Data Protection Act 1998. However, such notes would be able to be used as evidence if further investigation was required, or if the concern became a formal complaint.

Safeguarding

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Wherever a complaint indicates that a child's wellbeing or safety is at risk, the school is under a duty to report this immediately to the local authority. Any action taken will be in accordance with the school's [safeguarding policy](#) (also obtainable from the school office).

Social Media

In order for complaints to be resolved as quickly and fairly as possible, Our Lady of Lourdes Catholic Primary School requests the complainants do not discuss complaints publically via social media such as Facebook and Twitter. Complaints will be dealt with confidentially for those involved, and we expect complainants to observe confidentiality also.

Complaints that result in staff capability or disciplinary

If at any formal stage of the complaint it is determined that staff disciplinary or capability proceedings are necessary in order to resolve the issue, the details of this action will remain confidential to the Headteacher and/or the individual's line manager. The complainant is entitled to be informed that action is being taken and the eventual outcome of any such action, but they are not entitled to participate in the proceedings or receive any detail about them.

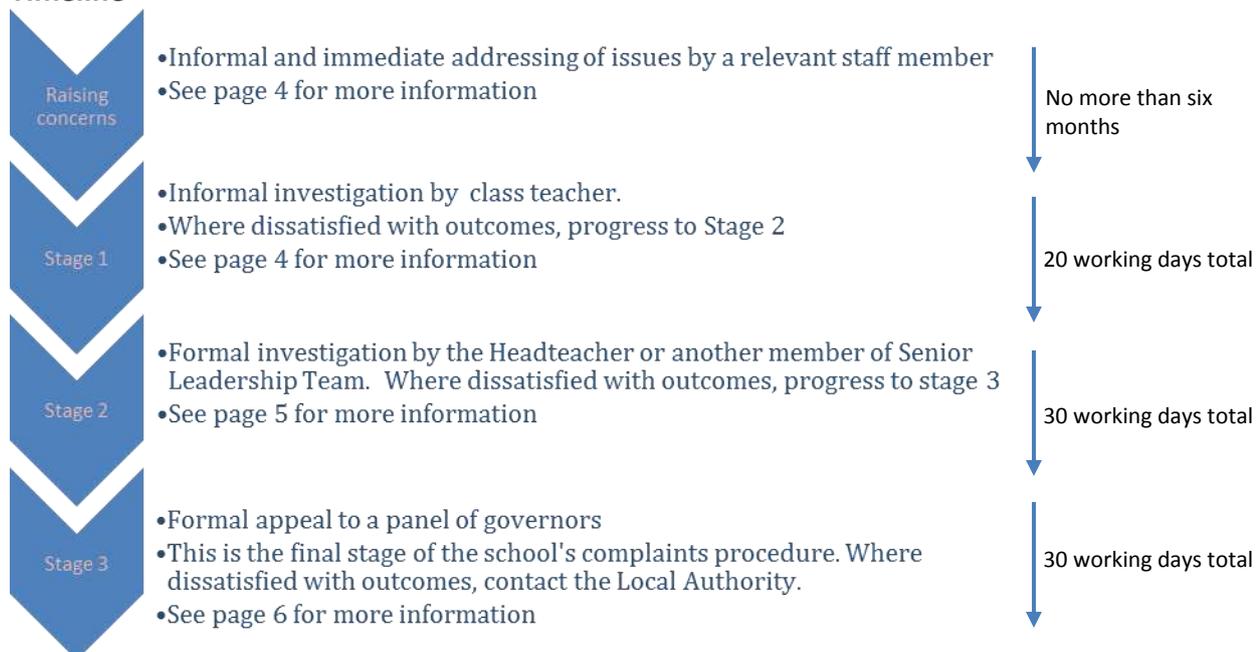
Monitoring

The governing body will appropriately monitor the general nature of complaints over each academic year to inform practice and potential improvements to procedures and policies within the school.

Procedure

If you need to raise an issue in the first instance, please do so with the relevant member of staff who will be happy to talk to you and seek to establish a solution. If you are not satisfied with this response and believe the issue has not been resolved, please use the following procedure as detailed below.

Timeline



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Timeframes

Our Lady of Lourdes Catholic Primary School will endeavour to abide by timeframes stated under each stage but acknowledges that in some circumstances, this is not always possible, for example due to the complexity of information needed to review a complaint or difficulties regarding individual's availability to deal with the complaint. If it becomes apparent that it is not possible to complete any stage of the complaints procedure within a given timeframe, the individual responsible for handling the complaint will contact the complainant as soon as possible and come to an agreed timeframe that works for all parties involved.

Our Lady of Lourdes Catholic Primary School reserves the right not to investigate complaints that have been made six months after the subject of the complaint took place, except in exceptional circumstances. What is meant by exceptional circumstances is where new evidence has come to light, where the complaint is of an especially serious matter or where there is reasonable justification for why the complainant has been unable to raise the complaint before this time. The Headteacher will review the situation and decide whether or not to enact the complaints procedure, informing the chair of governors of the decision.

Who should I approach?

Educational Matters	Class teacher
Pastoral care	Class teacher
Disciplinary matters	Class teacher
Financial/Administration matters	School Bursar
Complaint about a staff member's conduct	Direct approach to the staff member themselves, or a member of SLT. Where this does not resolve the situation, their line manager should be approached.

Complaints about the Headteacher or the governors

Where a complaint regards the Headteacher, the complainant should first directly approach the Headteacher in an attempt to resolve the issue informally. At this informal stage, there is the option to ask for a governor to be present, if desired. If the complainant is not satisfied with this outcome they should notify the clerk to the governors (see contact details at the end of the document). The Stage 2 process will then commence, but with the chair of governors as the individual responsible for the investigation rather than the Headteacher.

Where a complaint regards a governor, the same process applies as for the Headteacher. Where a complaint concerns the Chair of Governors, the individual should contact the clerk to the governors. Informal resolution will be sought, but where this fails, the complaints procedure at Stage 3 will take immediate effect. An independent investigator will mediate any proceedings.

Stages of the Complaint

Stage 1 – Informal investigation by Class Teacher

Where as a result of raising a concern the complainant still feels that the issue has not been addressed, or where the outcome has been that the complaint needs further investigation than

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can be resolved briefly, they may progress by making an informal complaint. In doing so, the following steps will be followed:

1. Complainant contacts the class teacher
2. The complainant must explain in writing
 - An overview of the complaint so far
 - who has been involved
 - why the complaint remains unresolved
 - action they would like to be taken to put things right.
3. The class teacher will respond within 5 working days (excluding those which fall in the school holidays) of having received the written complaint. They will explain what action they intend to take.
4. Where the complaint is about a member of staff or a school governor, the class teacher will refer the matter to the Headteacher (stage 2)
5. The class teacher will provide a written confirmation of the outcome of their investigation within 15 working days (excluding those which fall in the school holidays) of having sent confirmation of the intended action. Where the complainant is not satisfied with the outcome, they are able to progress to stage 2 of the complaints process, and launch a formal written complaint.
6. The class teacher will make a record of the concern and the outcomes of the discussion which will be held centrally for twelve months, in line with the principles of the Data Protection Act 1998

Stage 2 – formal investigation by the Headteacher or another member of Senior Leadership Team (SLT)

1. The complainant may submit a formal complaints form to the Headteacher or member of SLT. See page 10 for contact details and for a copy of this form.
2. The Headteacher or member of SLT will respond in writing within 10 working days (excluding those that fall in the school holidays) of the date of receipt of the complaint to acknowledge receipt of the complaint and explain what action will be taken, giving clear timeframes.
3. A log of all correspondence in relation to the complaint will be kept in accordance with the Data Protection Principles.
4. The Headteacher or member of SLT will consider all relevant evidence; this may include but is not limited to:
 - a statement from the complainant, including when the incident occurred
 - where relevant a statement from an individual who is the subject of the complaint
 - any previous correspondence regarding the complaint
 - any supporting documents in either case

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- interview with anyone related to the complaint.
5. The Headteacher or member of SLT may decide to have a meeting with the complainant (and where relevant, the subject of the complaint) if they feel that it would be appropriate for the investigation. A member of the Governing Body can be asked to attend if desired/required.
6. After considering the available evidence, the Headteacher or member of SLT can:
- Uphold the complaint and direct that certain action be taken to resolve it
 - Reject the complaint and provide the complainant with details of the stage three appeals process
 - Uphold the complaint in part: in other words, the Headteacher or member of SLT may find one aspect of the complaint to be valid, but not another aspect. They may direct for certain action to be taken to resolve the aspect that they find in favour of the complainant.
7. The Headteacher or member of SLT must inform the complainant of their decision in writing within 20 working days (excluding those that fall in the school holidays) of having issued written acknowledgement of the receipt of the complaint. They must explain clearly why they have come to the decision that they made. They must detail any agreed actions as a result of the complaint. Finally, they must provide the complainant with details of how to progress the complaint to stage three if they are not satisfied, providing them with the contact details of the clerk to the governors (see the end of the procedure for these).

Stage 3 – appeal – review by a panel of the governing board.

If the complainant wishes to appeal a decision by the Headteacher or member of SLT at stage 2 of the procedure, or they are not satisfied with the action that the Headteacher or member of SLT took in relation to the complaint, the complainant is able to appeal this decision.

They must write to the clerk (see contact details on page 8) as soon as possible after receiving notice of the Headteacher's decision, briefly outlining the content of the complaint and requesting that a complaints appeal panel is convened.

The clerk may consult with the Chair of Governors and offer the complainant the opportunity to meet with a member of the Governing Body and the Headteacher, if this did not already take place under stage 2. If such a meeting takes place and does not solve the complaint, the clerk will arrange for an appeal hearing to take place.

The clerk will fulfil the role of organising the time and date of the appeal hearing, inviting all the attendees, collating all the relevant documentation and distributing this 5 days in advance of the meeting, recording the proceedings in the form of minutes, and circulating these and the outcome of the meeting.

The complainant must request an appeal panel within 4 weeks of receiving the Headteacher's/SLT member's decision, or it will not be considered, except for in exceptional circumstances. On receipt of this written notification, the following steps will be followed:

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1. The clerk will write to the complainant within five working days (not including the school holidays) to confirm receipt of the appeal request and detail further action to be taken.
2. The clerk will convene a panel of three governors. All three panel members will have no prior knowledge of the content of the complaint.
3. The appeal hearing will take place within 15 working days (excluding those which fall in the school holidays) of receipt of the date of the confirmation letter from the clerk to the complainant, confirming the appeal.
4. In addition to the panel, the following parties will be invited, where applicable:
 - the complainant
 - the Headteacher or member of SLT who dealt with the complaint at Stage 2
 - where the complaint regards a member of staff, the staff member who is the subject of the complaint.

The complainant may also bring a companion with them to the hearing if they wish. Where the subject of the complaint is a member of staff, that staff member may also bring a companion with them.

The companion will be a friend or a colleague. Neither party may bring legal representation with them. If after the hearing any party feels that legal action is necessary, please see the contact details at the end of the procedure.

5. If the attendance of any pupils is required at the hearing, parental permission will be sought if they are under the age of 18. Extra care will be taken to consider the vulnerability of children where they are present at a complaints hearing.
6. Where the complaint is about a governor/trustee, the complainant may request that the appeal is heard by an entirely independent panel. It is at the discretion of the Governing Board who will notify the clerk of their decision. Where an entirely independent panel is required, timescales may be affected while the school source appropriate individuals for the review. The governing board has set up a collaboration agreement with other local schools in order to assist with this.
7. The panel can make the following decisions:
 - Dismiss the complaint in whole or in part
 - Uphold the complaint in whole or in part
 - Decide on the appropriate action to be taken to resolve the complaint
 - Recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.
8. All parties who attended the meeting will be informed in writing of the outcome of the appeal within 5 working days (excluding those which fall in the school holidays).

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This is the final stage at which the school will consider the complaint. If the complainant remains dissatisfied and wishes to take the complaint further, please see the contact details at the end of the document. The school will not consider the complaint beyond this.

Unreasonable complaints

Where a complainant raises an issue that has already been dealt with via the school's complaints procedure, and that procedure has been exhausted, the school will not reinvestigate the complaint except in exceptional circumstances, for example where new evidence has come to light.

If a complainant persists in raising the same issue, the Headteacher will write to them explaining that the matter has been dealt with fully in line with the school complaints procedure, and therefore the case is now closed. The complainant will be provided with the contact details of the Department for Education (see web link on page 9) if they wish to take the matter further.

Unreasonable complaints include the following scenarios:

- The complainant refuses to co-operate with the school's relevant procedures.
- The complainant changes the basis of the complaint as the complaint progresses.
- The complainant seeks an unrealistic outcome
- Excessive demands are made on the time of staff and school governors and it is clearly intended to aggravate.
- The complainant acts in a way that is abusive or offensive.

The Headteacher will use their discretion to choose not to investigate these complaints. Where they decide to take this course of action, they must inform the chair of governors that they have done so, explaining the nature of the complaint and why they have chosen not to investigate. If the chair deems it appropriate to, they can redirect the Headteacher to investigate the complaint. The full complaints procedure will commence from stage one on this direction.

If the chair upholds the HT's decision not to look into the complaint and the complainant deems this decision to be so unreasonable that no other rational body in the same position would have made that decision, then the complainant may write to the Department for Education (see the contact details on page 9 – web link).

Contact details for external organisations if not satisfied with the outcomes of the complaints procedure in full.

- If you have any queries regarding any aspect of the complaints procedure, please direct these to the clerk to the governors ruthali@lourdes.brighton-hove.sch.uk
- If the complainant remains unsatisfied by the outcome of the governors' panel, they may contact the local authority, who will investigate if the school's complaints process has been carried out appropriately. However, the local authority cannot overturn a panel's decision. The local authority contact is:
Assistant Director, Families, Children & Learning (Education & Skills)
Hove Town Hall

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Norton Road
Hove BN3 3BQ
Telephone: 01273 293514

The local authority will acknowledge receipt of the complaint within five school working days. They will inform the complainant and the school of the outcome of their investigation of the process within 15 school working days of receiving the complaint. If it is not possible to meet the timescales then the local authority officer will contact the complainant and school to discuss reviewing these.

- If the complainant feels that the governing board acted 'unreasonably' in the handling of the complaint, they can complain to the Department for Education after the complaints procedure has been exhausted. Please note that 'unreasonable' is used in a legal sense and means acting in a way that no reasonable school or authority would act in the same circumstances. <https://www.gov.uk/complain-about-school>
- Ofsted will also consider complaints about schools.

Relevant legislation and guidance

The Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>

The Data Protection Act 1998 <http://www.legislation.gov.uk/ukpga/1998/29/contents>

The Education (Independent School Standards) Regulations 2014

<http://www.legislation.gov.uk/uksi/2014/3283/contents/made>

Education Act 2002 <http://www.legislation.gov.uk/ukpga/2002/32/contents>

The Department for Education *Best Practice advice for school complaints procedures*

<https://www.gov.uk/government/publications/school-complaints-procedures>

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Appendix 1: Our Lady of Lourdes Catholic Primary School Formal Complaints Form – please send to: admin@lourdes.brighton-hove.sch.uk

Name	
Name of pupil, year group and your relationship to them (where applicable)	
Contact address	
Contact telephone day	
Contact telephone mobile	
Contact email address	
Details of the complaint, including when the incident occurred	
Action taken so far (including staff member who has dealt with it so far) or solutions offered	
The reason that this was not a satisfactory resolution for you	
What action would you like to be taken to resolve the problem?	

Signed:		Dated:	
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Official use
Date received:

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Signed:

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Appendix 2

How the Governors' Complaints Panel will run

Although the panel will follow formal procedures, the hearing should be conducted as informally as possible. Extra care will need to be taken if the hearing involves a child or young person being present.

1. Both the complainant and the school are invited to attend the panel and arrive at the same time.
2. The chair of the panel will introduce everyone and set out that the remit of the panel is to investigate the complaint. They will do this by allowing each party the opportunity to put their case without undue interruption.
3. Any witnesses or representatives are only required to attend to give their supporting information and may leave once they have done so.
4. The complainant is given the opportunity to state their case. The panel and the Headteacher/member of SLT have the opportunity to ask any questions.
5. The Headteacher/member of SLT is given the opportunity to state the school's case. The panel and the complainant have the opportunity to ask any questions.
6. The complainant is invited to sum up their complaint.
7. The Headteacher/member of SLT is invited to sum up the school's actions and response to the complaint.
8. The chair lets both parties know how they will be notified of the panel's findings, within agreed timescales. The chair draws the meeting to a close.
9. Both parties leave at the same time and the panel withdraws to make their findings.

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Appendix 3

The Governors' Complaints Panel: Roles and Responsibilities of those involved in the process

The Clerk to the Panel

The panel must be clerked. The clerk organises the complaints panel and must:

1. Send acknowledgement on behalf of the Chair of the Governors' Panel of the written complaint within **five school working days**, outlining the next steps
2. Arrange membership of the panel, in discussion with the chair of governors, which should be three governors who have no prior knowledge of the complaint
3. Set the date, time and venue of the panel, ensuring the dates are convenient to all parties and that the venue and proceedings are accessible. The hearing should be set within **15 school working days after receiving the complaint**. If the timescales cannot be adhered to the chair of the panel should discuss with the school and the complainant the next most appropriate date
4. Write to all parties, detailing the following:
 - Date, time and venue of hearing
 - Aims and objectives of the hearing and how it will be conducted
 - A request for any documentation that either party wishes the panel to consider. This must be with the clerk so that it can be sent to all parties **at least five school working days** before the hearing
 - The rights of equal access, accompaniment and representation for both the complainant and the school, ensuring that everyone is notified as to who will be attending the panel, in advance of the hearing
 - How and when the panel will reach their decision
5. At the hearing, meet and welcome the parties as they arrive ensuring there is appropriate separate waiting space
6. Ensure that both parties arrive at the panel at the same time
7. Record the proceedings and send the typed version to the chair of the panel for checking
8. Notify all parties of the panel's decision within **five school working days**
9. Keep pink paper minutes at the school with the governing body files

The Chair of Governors

- If the complaint is about the Headteacher the chair of governors will investigate informally the issue, taking advice from the Governor Support Team where appropriate, and will inform the Head of Advisory Service that a complaint has been made

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- The chair of governors will need to ensure that general nature of complaints over the academic year are appropriately monitored by the governing body to inform practice and potential improvements to procedures and policies within the school

The role of the Chair of the Panel

The chair of the panel has a key role and will need to ensure that:

- The hearing is as informal as possible
- After introductions the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- The complainant is given the opportunity to state their case – the panel and school then have the opportunity to ask questions and clarify points
- The school is given the opportunity to state their case – the panel and complainant then have the opportunity to ask questions and clarify points
- Any witnesses or representatives are only required to attend to give supporting information
- Both parties have the opportunity to sum up
- The meeting is drawn to a close and both parties leave the panel **at the same time**
- The issues are discussed fully, fairly and are addressed
- The key findings of the facts are made

The chair should also aim that:

- The complainant and Headteacher/member of SLT feel at ease
- The hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- The panel is open minded and acting independently
- No member of the panel has a vested interest in the outcomes of the proceedings or any involvement in an earlier stage of the procedure
- Written material is seen by all parties. If a new issue arises the chair can give all parties the opportunity to consider and comment on it

Notification of the Panel's Decision

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The chair of the panel must ensure that the complainant and the school are notified of the panel's decision. This is usually within a set deadline that is published in the Complaints Policy or mutually agreed.

The panel will either:

- Uphold the complaint
- Reject the complaint
- Uphold the complaint in part

The letter must explain any further rights of appeal and if so, who to contact.

The complainant may move to Stage 4 and write to the local authority by writing to the **Assistant Director Children's Services (Education & Inclusion)**. However, the local authority will not reinvestigate the decision of the panel but will check that the complaints process has been carried out appropriately. If the complainant is not satisfied with the local authority's response they may write to the Secretary of State for Education (Stage 5).