



St Francis Catholic Primary School Complaints Procedures

A Community Growing in Love for Learning and Life Rooted in God's Love

Policy for Resolution of concerns and complaints

Legal Framework

Section 409 of the 1996 Education Act allows a Local Authority to make arrangements for the consideration or disposal of any complaint about the unreasonable action of the LA or of a Governing Body in relation to a statutory duty or power. This would include Admissions, the provision of an appropriate curriculum, SEN, and Exclusions Appeals. Complaints of a more general nature fall outside the remit of this section.

The section 29 of the 2002 Education Act requires governing bodies to establish procedures for dealing with all complaints relating to the school or the provision of facilities or services, **other than** "complaints which fall to be dealt with in accordance with procedures required to be established by other statutory provision", and to publicize these procedures.

While the majority of complaints received by schools are properly dealt with by other procedures, it is still necessary for schools to have a "general" procedure for the minority of complaints that are not covered by other statutory procedures.

Section 496 of the 1996 Act allows a person to complain to the Secretary of State that a Governing Body (or LA) has acted, or is proposing to act, unreasonably with respect to any power conferred or duty imposed by that Act. Such a complaint is unlikely to be successful where a school can show that it has acted reasonably in seeking to resolve a complaint and has used a "fair" procedure.

Informal procedure

As a matter of daily routine, we receive numerous contacts from parents and other interested parties. Many of these will be resolved simply by providing information or through the arrangement of an informal meeting. Therefore we request that any initial approach should be made to the school office, or to the individual member of staff who is likely to be able to provide the necessary information.

In some cases it may be necessary to request a meeting with a senior member of staff. Any such request should be made via the school office, preferably in writing. The request will need to include sufficient details to allow the school to decide whether a meeting is necessary, who should be asked to attend the meeting and to make any necessary preparations.

The procedure is likely to stop at this stage if the concern has been explained satisfactorily, or a shared understanding has been reached of the issue being raised.

Formal procedure

Where a matter is more serious, or else an informal approach has failed to resolve the issue, it may be raised formally as a complaint. This should be done in writing. On receipt of the complaint we will normally arrange a meeting with the complainant to clarify details of their concerns and of the resolution that is being sought. Once we have this information a decision will then be taken about the need for further investigation and the appropriate procedure to be followed. This may involve additional meetings with the complainant to obtain further information.

Statute requires us to have a large number of formal procedures in place. These include those for: pupil behaviour and discipline; exclusion of pupils; staff capability; staff conduct; and for “general” complaints relating to the school or to the provision of facilities or services.

Similarly, statute requires that a number of matters must be dealt with by other bodies, such as the Local Authority: provision to meet special educational needs; failure of a school to provide the National Curriculum; Exclusion Appeals; Admission Appeals.

When the school’s procedures have been completed the complainant will be informed that the matter of their complaint has been dealt with and is now closed as far as the school is concerned. They will be provided with as much additional information as is possible in the circumstances, while respecting any right to confidentiality of third parties.

The Governing Body of St. Francis Catholic Primary School has a zero tolerance policy of all verbally and physically aggressive behavior from staff and parents.

Selecting the most appropriate procedure

Any approach may have the potential to develop into a complaint. For that reason it is very important to follow the appropriate procedure from the outset, so that the interests of the individuals may be safeguarded and in order to seek to identify a resolution as quickly as possible.

Therefore we have clear procedures for receiving enquiries and complaints and an effective mechanism for “triage”, so that they are directed to the appropriate person(s) for resolution.

Contact/Complaints Triage Table

Nature of Contact	Appropriate person to receive contact	Relevant Policy/Procedure
Request for published information	School Office	FOI Act Charging Policy
Request for personal pupil information	Head Teacher or Senior member of staff	DPA Charging Policy
Complaint about GB policy (content or application of)	Clerk/Chair	General Complaints Procedure
Concern about provision of facilities or services by the school	Head Teacher Chair	General Complaints Procedure
Allegation about conduct of a member of staff	Head Teacher Or Chair (if allegation against head)	School Staff Discipline Procedure (Confidential to School and Employee)
Allegation of verbal or physical assault by employee on pupil	Head Teacher OR Child Protection co-ordinator Or Chair (if allegation against head)	Local Child Protection Procedures (Confidential to school, LA CPO and parents of alleged victim)
Allegation about capability of a member of staff	Head Teacher Or Chair (if allegation against head)	School Staff Competence Procedure (Confidential to School and Employee)
Conduct of another pupil (e.g. bullying)	Head Teacher or Senior member of staff	School behaviour and discipline procedures (Confidential to School and parents of alleged perpetrator)
Discipline of a pupil	Head Teacher or Senior member of staff	School behaviour and discipline procedures (Confidential to School and parents of pupil)
Content of /Failure to maintain a statement of SEN	Head Teacher /SENCO LA	LA procedures
Admissions	Chair/Clerk (Foundation/VA) LA (Community/VC)	Admissions Procedure Admissions Appeal Procedure
Exclusion	Chair/Clerk (Foundation/VA) LA (Community/VC)	Exclusion Appeal Procedure
Failure to provide NC Entitlement or Inappropriate Curriculum	Head Teacher Clerk to GB LA	LA Procedure
Extended Services	Manager of relevant service	Procedures of Service

		Provider
Decision to remove license for a person to enter school premises (banning)	Clerk to GB/Chair	GB Appeal Committee

General Principles

1. The procedure is designed to ensure that, wherever possible, an informal resolution is attempted.
2. All stages of the complaints procedure should be investigatory rather than adversarial.
3. The procedure is intended to be extended to those persons who may have a legitimate complaint relating to the school and where any complaint may not be pursued through another statutory procedure. (It is anticipated that, primarily, these persons will be parents, as defined by Section 576 of the Education Act 1996, and those with parental responsibility, as defined in the Children Act 1989.)
4. The responsibility for dealing with General Complaints lies solely with the school.
5. An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues or bullying allegations, where we will either involve appropriate external agencies or else conduct our own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.
6. There is a mechanism for terminating spurious complaints and those brought by vexatious complainants.
7. Complainants will receive written notice of the outcomes of an investigation, in line with employee and data protection rights.
8. In the event that a complainant believes that the appropriate procedures have not been followed, by the person dealing with their complaint, the complainant may request that the governing body reviews the process that has been followed in order to verify whether the procedure has been adhered to. Any review request that is based solely on dissatisfaction with the outcome, rather than any identified failure to deal with a complaint according to procedure, will not be accepted.
9. Complaints must be raised within 3 months of the event being complained of, save in exceptional circumstances)
10. Investigation of any complaint or review request shall begin within 5 school days of receipt of the same, save in exceptional circumstances. The investigation shall be completed within 10 school days or soon as reasonably practicable, save in exceptional circumstances.

11. Notes/minutes of meetings may be taken by both parties. The school may use administrative staff to attend meetings to take notes. All notes will be kept securely on the school site. Tape recorders may be used but only if both parties agree.
12. It is usually unhelpful if a complaint is broadcast to the school community. Therefore we will ensure that all complaints will be treated with a high degree of confidentiality and we would ask the complainant to do likewise.

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