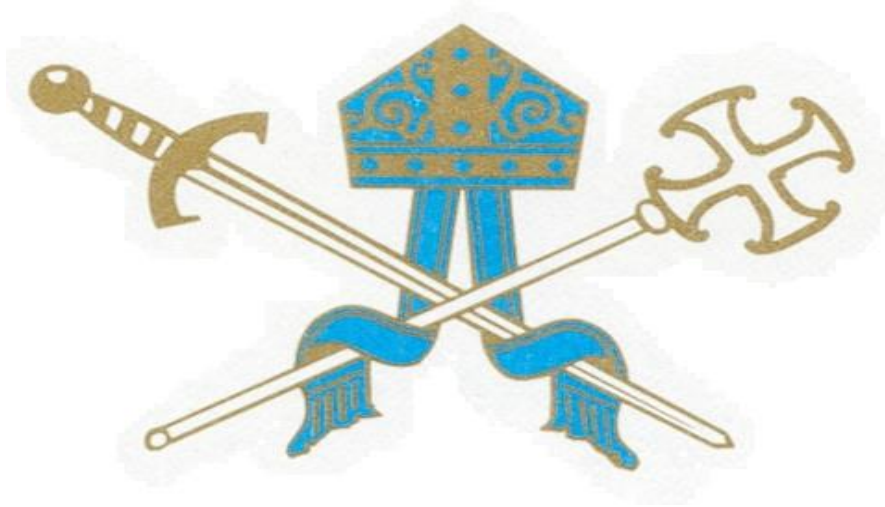


St Thomas of Canterbury Catholic Primary School



Mission Statement

At St Thomas' we are learning to follow Jesus, showing respect and consideration for ourselves and others.

We all have the opportunity to learn and work to the best of our ability in a safe and loving environment.

Complaints Policy

October 2013

School Aims

At St Thomas of Canterbury Catholic Primary school, we aim to create and sustain a stimulating Christ centred environment, where everybody involved, children, staff and parents, may grow in their faith and their love of God, developing respect for themselves and an awareness of the needs and gifts of others.

We aim to create an environment where children will be happy, independent and will be able to achieve their full potential, spiritually, academically, morally, emotionally, socially and physically.

We aim to provide children with the experiences, knowledge and skills necessary:

- To deepen their knowledge and understanding of the Catholic faith.
- To read fluently, accurately and for enjoyment.
- To write clearly, fluently and accurately for a variety of purposes.
- To communicate clearly and confidently in speech.
- To listen attentively to others.
- To develop mathematical concepts and skills and apply these to real life situations.
- To develop scientific knowledge and skills.
- To develop the ability to plan and organise their own learning using a range of resources and skills.
- To become observant and curious of the world around them and develop a respect for their environment.
- To develop the skills, knowledge, understanding and confidence to express their thoughts and feelings creatively.
- To develop agility and physical co-ordination and to encourage team skills.
- To learn to recognize, respect and value the cultural, racial and sexual differences in our school and society.
- To learn to work and play harmoniously and tolerantly with others.
- To develop self-discipline, self-reliance, self-esteem and self-regulation.
- To develop an understanding of the need for personal safety.
- Use technology appropriately to support their development.
- Stay safe, be healthy, enjoy and achieve, make a positive contribution to society and achieve and encourage well being.

We aim to celebrate and share successes and achievements, both individually and collectively.

The school undertakes to work to complement the home and church environment by setting before the children the ideal of Christian life.

COMPLAINTS PROCEDURES

1. INTRODUCTION

There are two complaints procedures which apply at St Thomas'. In many respects they are similar but they are used in different circumstances. The two procedures are:

a) **Complaints about Curriculum**

Section 409 of the Education Act 1996 provides that a local education authority shall, with the approval of the Secretary of State, make arrangements for the consideration of any complaint in respect of the curriculum.

The local education authority complaint procedure in respect of **curriculum** is set out in appendix A

b) **All other complaints**

Section 29 of the Education act 2002 provides that the governing body of a maintained school must establish a procedure for handling all other complaints with which they are required to deal.

St Thomas' procedure in respect of **all other complaints** is set out in appendix B.

In preparing the procedure regard has been taken of the Guidance in the Schools and Procedures Toolkit (LEA 0180/2003) issued by the Department of Education and Science.

APPENDIX A

LOCAL EDUCATION AUTHORITY PROCEDURE TO DEAL WITH COMPLAINTS ABOUT THE CURRICULUM

1. Purpose

Schools value the good relations they enjoy with most parents and the community. These good relations are based on mutual respect and a willingness to listen to each other's points of view. The purpose of this procedure is to provide a structure to express and resolve concerns about the curriculum and thus to improve the provision for pupils and students.

2. Introduction

This procedure builds on the legal requirements of Section 409 Education Act 1996 and the Guidance issued in the Department of Education and Science Circular 1/89: Local Arrangements for the Consideration of Complaints. It is in the best interest of all parties that any concern is expressed and resolved quickly and at the earliest possible stage.

3. Scope of the Procedures

These procedures are designed only to resolve complaints falling within Section 409 of the Education Act 1996, ie complaints concerning the responsibilities of the governing body and the LA in:

- Provision of curriculum, including religious education and worship, which meets the general requirements of Sections 1 and 2 of the Act
- The implementation of the national curriculum and compliance with Orders and Regulations made about its requirements and exceptions to its provision (Section 4, 10 and 17)
- Provision to pupils of compulsory school age of courses leading to an external qualification, only if that qualification and the associated syllabus or syllabus criteria have been approved (Section 5)
- Provision of religious education and worship as required by the Act and other enactments (Sections 6-10 and 12)
- In the case of an LA establishment of a Standing Advisory Council on Religious Education (SACRE) and review of the agreed syllabus for the area if the SACRE so requires (Section 11)
- The need to act reasonably in deciding whether or not to be associated with an application for exemption from all or part of the National Curriculum in order to carry out developmental work (Section 16)
- In the case of a governing body, consideration of appeals by parents about the temporary withdrawal of pupils from part or all of the provisions of the National Curriculum (Section 19)
- Operation of charging policies in relation to the curriculum (Section 109)

- Compliance with regulations about the provision of information (Section 22)
- Compliance with any other enactments relating to the curriculum

Separate procedures exist to resolve other complaints about the school and to resolve complaints for which the LA has responsibilities

4. Stages

The procedure has three possible stages, which must begin with the informal stage:

- Informal: most concerns are easily resolved informally by discussion with staff at the school; more difficult or complex concerns may take more than one discussion (see note 5 below)
- Formal complaint to the governing body: if, after careful attempts, a resolution is not achieved, a formal complaint can be made to the governing body (see section 6 below)
- Formal complaint to the local authority: if either party believes that the governing body has not dealt with the complaint properly or that the outcome is unreasonable, it can be referred to a local authority Adjudication Panel (see section 7 below)

5. Informal stage

5.1 All schools are happy to receive suggestions and compliments and talk about concerns that help them identify areas of success and areas in which they could improve. Where a concern is brought to the school's attention it can almost always be resolved with a single conversation, often with the class teacher or a senior member of staff. Sometimes an issue is more complex and will take more than one discussion to resolve.

5.2 Occasionally, despite the best efforts of all parties, these discussions do not resolve the concern, which then may become a complaint. The complainant will be asked to confirm the complaint in writing to the Headteacher (there is a form to help with this) and it will be formally acknowledged in writing. The Headteacher will copy relevant papers to any member/s of staff named in the complaint.

5.3 The Headteacher has the right of written reply to the written complaint.

5.4 Schools may have a procedure for mediation at this point, which could involve a governor or an officer of the Local Authority.

5.5 Any concerns should be raised as soon as possible after the event.

6. Formal complaint to the governing body

This can be made only if the complainant has:

- Sought to resolve the concern the concern through an informal approach to the school
- Allowed reasonable time (normally up to four school weeks) for investigation of the concern

- Accepted any reasonable offer by the school to discuss the result of that investigation
- Put the complaint clearly in writing (normally within six months of the event). A form is available to help with this
- Taken part in any process of mediation offered by the school

6.1 Each school governing body should have a complaints committee whose responsibility it is to hear and decide about formal complaints about the curriculum which have not been resolved at the informal stage.

6.2 The complainant should write to the governing body clerk, at the school, requesting a meeting of the complaints committee. Enclosed with the letter should be a copy of the written complaint submitted at the informal stage indicating which matters remain unresolved. No new complaints may be included.

6.3 A meeting of the governing body's complaints committee will be arranged. The clerk will send the text of the formal complaint to the Headteacher and chair of governors. The school may have up to 10 school days from receipt of this notification to submit its response to the clerk. The meeting will be arranged as soon as possible and normally for a date within 15 to 30 school days of receipt of the complainant's request for a complaints committee meeting. If there is difficulty agreeing a date the chair of governors makes the final decision.

6.4 Any documents from either the complainant or the Headteacher which are to be considered by the committee, and the names of any witnesses who might be called, must be received by the clerk at least 7 school days before the meeting. The agenda for the meeting and copies of all papers submitted will be sent to the complaints committee members, the complainant, the Headteacher, the chair of governors and the director of education, at least 5 school days before the meeting date. The Headteacher will copy relevant papers to any member/s of staff named in the complaint.

6.5 The complainant may bring a friend, interpreter or advocate to the meeting.

6.6 The Headteacher may bring a friend or professional association representative to the meeting.

6.7 If members of staff are asked by the Headteacher to be present at a complaints committee meeting, they have a right to bring a friend or trade union representative.

6.8 It is not normally necessary for a pupil to attend the complaints committee meeting but if the parent wishes the pupil to be present for any part of the meeting then they must notify the clerk to the governing body at least 7 days before the meeting.

6.9 The committee will be made up of governors who have not previously had any involvement in the complaint.

6.10 They will consider the complaint on the basis of the papers they receive and what is said at the meeting.

6.11 In the event of either party not attending the meeting, the chair of the committee will decide whether to proceed or to adjourn, at any stage.

6.12 The chair of the complaints committee will control the meeting and will aim to complete all the business at a reasonable time without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point, by answering questions succinctly and by being polite throughout.

6.13 The complaints committee can:

- Uphold the complaint in full
- Uphold it in part
- Dismiss it

In complex cases they may wish to give a complex response. The clerk will send the complainant, the Headteacher, the chair of governors and the director of education a letter setting out the outcome of the meeting, within seven days of the meeting. The Headteacher will copy relevant papers to any member/s of staff named in the complaint.

6.14 Having come to a decision about the complaint, the committee may refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the Headteacher.

6.15 The complaints committee should ensure that a written response is given to the complainant, giving details of the reasons for upholding or dismissing the complaint, as soon as possible after the meeting.

6.16 The director of education has the right, under this procedure, to have a representative present at all stages of the governing body's complaints committee meeting and to have a copy of all associated paperwork.

7. Formal complaint to the local authority

7.1 If one of the parties (ie not the complainant or the Headteacher) believe either that the complaint has not been properly and fairly dealt with by the governing body, or that the outcome is unreasonable, then a formal request for adjudication may be made to the LA. Such a request will be expected to be received by the LA within 15 days of the date of the letter from the clerk giving the outcome of the governing body's complaints committee meeting.

7.2 The LA has a statutory responsibility to consider a complaint about the curriculum which has not been resolved by the governing body.

7.3 To refer a formal complaint to the LA either party writes a letter to the director of education setting out the grounds for dissatisfaction.

7.4 The director of education, or his representative, will within 5 school days:

- Write to acknowledge the letter
- Forward a copy of the letter to the chair of the governing body complaints committee and to the other party and offer each the right of appeal
- Ask the democratic services department to establish an adjudication panel

7.5 The director of education will arrange for collation of all paperwork and will send it to the democratic services department for distribution. The adjudication panel will normally meet within 30 school days of the director's request and will be composed of three or five members appointed by the LA from the following categories:

- People who are eligible to be lay members. This means people without personal experience in the management of any school or the provision of education in any school (disregarding experience as a school governor or in another voluntary capacity). There must be at least one lay member of the panel;
- People who have experience in education, who are acquainted with education conditions in the LA area, or who are parents of registered pupils at a school. There must be at least one panel member from this category.
- The disqualifications of persons from serving on the adjudication panel are the same as for admission appeal panels.

7.7 The complainant may bring a friend, interpreter or advocate to the meeting

7.8 The Headteacher may bring a friend or professional association representative

7.9 It is not normally necessary for a pupil to attend the adjudication panel meeting but if the parent

wishes the pupil to be present for any part of the meeting then they must notify the clerk to the panel
at least seven days before the meeting.

7.10 The adjudication panel will then decide on the basis of the paperwork and what is said at the

meeting, whether or not:

- The correct procedure was followed;
- The outcome was reasonable

The director of education has a right to attend or be represented and may give advice to the Adjudication panel

7.11 The adjudication panel can decide to:

- Uphold the decision of the governing body; in this case the matter rests;
- Recommend the governing body to reconsider the complaint in the light of the findings of the adjudication

In addition the adjudication panel may make recommendations to any of the parties involved and will send a letter setting out the outcome of the panel meeting, normally within 10 school days of the meeting to the:

- Original complainant
- Chair of the governing body complaints committee
- Headteacher (who will copy relevant papers to any member/s of staff named in the original document)
- Chair of the governing body
- Director of education

7.12 There is no further appeal to the local authority. If a complainant wishes to pursue the complaint then they have recourse to the secretary of state or the local government ombudsman.

8. Formal complaint to the Diocesan Bishop

(For complaints about worship in voluntary aided and voluntary controlled schools and about RE in voluntary aided schools)

8.1 If one of the parties (ie the complainant or the Headteacher) believe either that the complaint has not been properly and fairly dealt with by the governing body, or that the outcome is unreasonable, then a formal request for adjudication may be made to the appropriate diocesan bishop. Such a request will be expected to be received within 15 days of the date of the letter from the clerk giving the outcome of the governing body's complaints committee meeting.

8.2 The diocesan bishop has a statutory responsibility to consider a complaint about the worship in voluntary aided and voluntary controlled church schools, and about RE in voluntary aided church schools, which has not been resolved by the governing body.

8.3 To refer a formal complaint to the diocesan bishop either party writes a letter to the bishop setting out the grounds for dissatisfaction.

8.4 The diocesan bishop will then decide, on the basis of the paperwork, whether or not

- The correct procedure was followed
- The outcome was reasonable

8.5 The diocesan bishop can decide to:

- Uphold the decision of the governing body; in this case the matter rests;
- Recommend the governing body to reconsider the complaint in the light of the findings of the adjudication

In addition the diocesan bishop may make recommendations to any of the parties involved and will send a letter giving the outcome of his deliberations, normally within 10 school days of his decision, to the:

- Original complainant
- Chair of the governing body's complaints committee
- Headteacher (who will copy relevant papers to any member/s of staff named in the original complaint)
- Chair of the governing body

8.6 There is no further appeal to the diocesan bishop.

9. Monitoring

The monitoring of complaints is important. The Headteacher should report to the governing body (or an appropriate committee) on an annual basis (preferably in the summer term) on the number of complaints received; whether they were complaints about the curriculum or otherwise; the level reached, and whether the complainant was satisfied or not. Reports relating to

- Racial incidents (actual or perceived)
- Bullying (actual or perceived)

should also be reported to the governing body to enable them to ensure that the racial equality and bullying/behaviour policies are effective and are being satisfactorily implemented and managed within the school.

Reports of actual or perceived racial incidents must be reported to the LA.

APPENDIX B

ST THOMAS OF CANTERBURY

PROCEDURE TO DEAL WITH OTHER COMPLAINTS ABOUT THE SCHOOL (IE EXCLUDING THE CURRICULUM)

1. Purpose

The school values the generally good relations that we enjoy with parents and the community. These good relations are based on mutual respect and a willingness to listen to other points of view. The purpose of this procedure is to provide a structured opportunity to express and resolve concerns about the school and thus to improve the provision for our pupils.

2. Introduction

This procedure is intended to meet the requirements of Section 29 of the Education Act 2002 to establish a complaints procedure.

3. Scope of the Procedures

These procedures are designed only to resolve complaints about matters in the school which are the sole responsibility of the school governing body.

Separate procedures, prepared by the local education authority, exist to resolve complaints about the curriculum and other matters in respect of which the LA has responsibility. See appendix A.

4. Who can complain?

Usually it will only be the parent or guardian who has guardianship of a pupil who can invoke these procedures.

5. Stages

The procedure has two possible stages and all complaints must begin with the informal stage:

- **Informal:** most concerns are easily resolved informally by discussion with staff at the school; more difficult or complex concerns may take more than one discussion.
- **Formal complaint:** if, after careful attempts, a resolution is not achieved, a formal complaint can be made to the Headteacher who will appoint a senior member of staff to carry out an investigation and report to the Headteacher. Where there is no member of staff of appropriate seniority, or where the Headteacher so decides, the Headteacher will investigate complaint.
- **Appeal to a panel of the governing body:** where a complainant is dissatisfied with the result of the investigation carried out on behalf of, or by, the Headteacher, or the conclusions drawn by the Headteacher, the complainant may appeal to a panel of three members of the governing body.

6. Procedures

6.1 Informal:

- 1) usually this will be by way of a conversation with a class teacher and where a parent or guardian believes they may, or do, have cause for concern, they should first seek to have a discussion with the class teacher.
- 2) where an issue is more complex, it may be necessary to have more than one discussion to achieve a resolution of the matter.
- 3) parents and guardians should understand that it might not always be possible for the class teacher to see them without making an appointment.
- 4) At any point in this process the parent or guardian can decide to make a formal complaint

6.2 Formal complaint

Occasionally, despite the best efforts of all parties, informal discussions do not resolve the concern, which then may become a complaint. If this is the case the following procedure must be followed:

- 1) the complainant should confirm the complaint in writing to the Headteacher (there is a form to help with this, see appendix 3)
- 2) the Headteacher will formally acknowledge the complaint in writing within 5 school days
- 3) the Headteacher will copy relevant papers to any member/s of staff named in the complaint
- 4) the Headteacher will appoint an appropriate member of staff (the investigator) to investigate the complaint and report making such recommendation as the investigator believes appropriate.
- 5) the Headteacher may at his/her discretion investigate the complaint rather than appoint an investigator.
- 6) when ever reasonably practicable the Headteacher will send a formal response to the complaint in 4 school weeks from the date of acknowledgement of the complaint (2 – above)
- 7) if it is not possible to respond in accordance with (6) above, the Headteacher will inform the complainant in writing of the reasons.

7. Headteacher's response

When formally responding to the complaint the Headteacher will inform the complainant that if they are dissatisfied with the response

- 1) mediation by a governor (or officer of the LA) is available
- 2) of the right to appeal to a panel of the governing body either within 20 school days from the date of the response, or 20 school days from the end of mediation, whichever is the later.

8. Mediation

If the complainant agrees to mediation:

- 1) the chair, or if not available, the vice-chair, of the governing body, after consulting the complainant and the Headteacher, will appoint a mediator
- 2) the mediator will first decide the procedure to be followed and inform the complainant and the Headteacher of that procedure
- 3) the mediator will endeavour to conclude the mediation within 20 school days from appointment

9. Appeal to a panel of the governing body

9.1 Complaints notice of appeal

A complainant wishing to appeal against the response of the Headteacher must write to the governing body's clerk, at the school,

- 1) stating the reasons they wish to appeal, eg the matter considered not to be resolved
- 2) enclosing a copy of the formal complaint
- 3) the remedy, if any, sought
- 4) copies of any documents or other material which they want the panel to see
- 5) written statements from any witnesses they want the panel to hear from

9.2 Appeal procedure

- **Appointment of Appeal Panel**

- 1) the clerk to the governing body will consult the chair of the governing body about the appointment of three members of the governing body to form a panel to hear an appeal
- 2) the members of the panel shall not include any member of staff or any governor who has had any involvement with the matter of the appeal, or who has had any relationship or close friendship with any person who is involved in the complaint.

3) the appeal hearing will be arranged as soon as possible and normally for a date within 15-30 school days of receipt of the complainant's request for a complaints committee meeting.

- **Before the hearing**

1) the clerk will send to the Headteacher and chair of governors, copies of the documents supplied by the appellant (9.1 above)

2) the Headteacher will submit to the clerk a response to the notice of appeal within 10 school days from its receipt

3) any documents, including statements of witnesses, from either the complainant or the Headteacher, which are to be considered by the committee, and the names of any witnesses who might be called, must be received by the clerk at least 7 school days before the meeting.

4) the agenda for the meeting and copies of all papers submitted will be sent to the complaints committee members, the complainant and the Headteacher, at least 7 clear days before the meeting date.

5) copies of relevant papers will be sent to any member/s of staff named in the complaint.

- **The Hearing**

1) the complainant may bring a friend, interpreter or advocate to the meeting

2) the Headteacher may bring a friend or professional association representative to the meeting

3) if members of staff are asked by the Headteacher to be present at a complaints committee meeting, they have a right to bring a friend or trade union representative.

4) it is not normally necessary for a pupil to attend the complaints committee meeting but if the parent wishes the pupil to be present for any part of the meeting then they must notify the clerk to the governing body at least seven school days before the meeting

5) the appeal panel must only consider the complaint on the basis of the papers they receive and what is said at the meeting

6) the chair of the appeal panel will control the meeting and will aim to complete all the business at a reasonable time without the need to adjourn to another day. It is important that all participants help by being clear about the points they wish to make, by keeping to the point, by answering questions succinctly and by being polite throughout.

7) the procedure to be followed at the hearing is:

i) committee members and their clerk convene

ii) the committee considers, with advice from the clerk, any members' declarations of interests, entitlement to vote and any requirement to withdraw from the meeting

iii) the committee elects a chair for the meeting

- iv) the committee confirms the procedure to be followed (set out below) and decides whether the decision will be conveyed orally to all parties at the end of the meeting, as well as in writing afterwards.
- v) the complainant and the Headteacher are invited to join the meeting. Witnesses remain outside until they are called.
- vi) the chair introduces all those present, explains the role of the clerk, explains the procedure to be followed and states how the decision will be announced.
- vii) the complainant presents their complaint and calls any witnesses
- viii) the Headteacher asks questions of the complainant and witnesses
- ix) the committee asks questions of the complainant and witnesses
- x) complainant's witnesses leave
- xi) the Headteacher presents his response to the complaint and calls any witnesses
- xii) the complainant asks questions of the Headteacher and witnesses
- xiii) the committee asks questions of the Headteacher and witnesses
- xiv) Headteacher's witnesses leave
- xv) the complainant summarises the complaint
- xvi) the Headteacher summarises the response to the complaint
- xvii) panel again considers whether it is appropriate for the decision to be conveyed orally to all parties at the end of the meeting, as well as in writing afterwards
- xviii) complainant and Headteacher leave the meeting
- xix) the committee consider the complaint and decide to:
 - Uphold the complaint in full
 - Uphold it in part
 - Dismiss it
- xx) the committee consider whether and how to refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the Headteacher
- xxi) the complainant and the Headteacher are invited to join the meeting (if agreed under item iv above)
- xxii) the decision is announced and any rights of appeal, where they exist, are explained
- xxiii) as soon as possible after the meeting the clerk writes to all parties setting out the decision of the committee, giving details of the reasons for upholding or dismissing the complaint, and explaining how to exercise any right of appeal

NB all documents pertinent to the committee meeting are confidential. The minutes of the meeting are confidential to the committee members.

- **After the hearing**

Having come to a decision about the complaint, the committee may refer issues of principle or general practice to another forum, such as the governing body, or to an individual such as the Headteacher.

10. Monitoring

The monitoring of complaints is important. The Headteacher should report to the governing body (or an appropriate committee) on an annual basis (preferably during the summer term) on the number of formal complaints received; whether they were complaints about the curriculum or otherwise; the level reached, and whether the complainant was satisfied or not. Reports relating to:

- Racial incidents (actual or perceived)
- Bullying (actual or perceived)

should also be reported to the governing body to enable them to ensure that the racial equality and bullying/behaviour policies are effective and are being satisfactorily implemented and managed within the school.

Reports of actual or perceived racial incidents must be reported to the LA.

11. Review

The governing body may review and amend this procedure from time to time.

Complaints Procedure Form

Please complete this form and return it to
who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Your address:

Your postcode:

Your daytime telephone number:

Your evening telephone number:

Please give details of your complaint:

What action, if any, have you already taken to try to resolve the complaint? (who did you speak to and what was the response?)

What action do you feel might resolve the problem?

Are you attaching any paperwork? If so please give details:

Signature:

Date:

For official use only

Date complaint received:

Acknowledgement sent by:

Date acknowledgement sent:

Complaint referred to:

Date referred:

Record of subsequent procedures: