



**OUR LADY OF VICTORIES  
CATHOLIC SCHOOL**

**COMPLAINTS  
POLICY**

**Reviewed: January 2020**

**To be reviewed: January 2022**

## **Our Lady of Victories Complaints Policy**

### **Complaints**

The Head-teacher and Governors are committed to providing the best education they can for all pupils attending Our Lady of Victories Catholic Primary School. They recognise however that occasions may arise when parents, carers or others wish to make a complaint. The Head-teacher and Governors are determined that any complaint shall be dealt with fairly, effectively and if possible speedily and with utmost confidentiality.

Throughout the procedure, the aim of all parties should be not only to resolve the complaint but also to develop and sustain good relationships between all members of the school community. However formal or serious the complaint, or however dissatisfied the complainant, the aim will always be reconciliation between parties and a renewed commitment to work together amicably. The Gospel values of justice and forgiveness should always underpin the entire process.

To this end we have adopted the procedures that are set out below.

### **Informal Stage**

- Any concerns you may have about a child should be addressed in the first instance with the class teacher.
- Always make an appointment to see the class teacher where possible as it can be difficult to talk with him/her when he/she is occupied with a class or engaged with someone else.
- The teacher will take any complaint very seriously and at this informal stage every effort will be made to resolve the concerns in a fair and effective manner.

### **Formal Procedure – Stage 1**

- If you do not feel that the matter has been adequately resolved you may wish to make a formal complaint in writing to the Head-teacher. You should say that you are making a formal complaint, and you should state what you are complaining about as clearly as

possible. Your complaint will be recorded along with its nature and details. An acknowledgement of the complaint will be made within 5 days of its receipt.

- The Head-teacher will ordinarily be the person designated to deal with the complaint. If the complaint is directed against the Head-teacher, the person designated to deal with the complaint shall be the Chair of Governors (or his/her nominee).

Whoever investigates the complaint will:

- Acknowledge receipt of the complaint within 5 days of its receipt.
- Clarify the nature of the complaint and what remains unresolved, including what the complainant feels would put things right.
- Investigate all aspects of the complaint within 10 school days.
- Keep notes of each interview.

When the investigation is complete, within a further 3 days, the investigator will invite the complainant to a meeting to try to resolve the complaint. **Every effort should be made to resolve the complaint at this meeting.** At the meeting the investigator will explain the decision taken and the reason for it. This could involve:

- an acknowledgment that the complaint is valid in whole or in part
- an apology
- an explanation
- a clarification of misunderstandings
- 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.

If the complaint cannot be resolved, the complainant may refer it to Stage 2.

### **Formal Procedure – Stage 2**

The complainant should put the complaint in writing to the Chair of Governors.

- The Chair of Governors will acknowledge receipt of the complaint within 5 school days.
- The Chair of Governors will discuss the matter with the Head-teacher and will set up a panel of 3 governors to investigate and adjudicate.
- The Clerk to the Governors will call a meeting of the panel within 15 school days of receipt of the complaint.
- The Clerk will give the complainant 7 school days' notice of the date, time and place of the meeting. If the complainant cannot attend the meeting, the Clerk will try to fix a mutually convenient meeting as soon as possible.
- If the complainant or the Head-teacher wishes to submit information in writing to the panel, they should send it to the Clerk to the Governors at least 5 school days before the meeting.
- The person against whom the complaint is made may be present at the meeting and may bring a colleague or representative. The complainant may bring a friend or representative.
- A written record of all discussions, interviews and meetings will be filed.

### **Order of Proceedings for the Hearing of the Complaint**

- Welcome, introductions and explanations of the proceedings by the chair. (A member of the diocesan Department of Schools may be invited to advise and support the panel).
- The complainant is invited to explain the complaint.
- The Head-teacher may question the complainant.
- The panel may question the complainant.
- If there are any witnesses for the complainant, each one is invited into the hearing in turn and in each case the witness is invited to speak, then the Head-teacher may question them, and then the panel may question them. In each case, the witness should leave after giving their 'evidence'.
- The Head-teacher is invited to explain the school's actions.
- If there are any witnesses for the school, they are treated in exactly the same way as the witnesses for the complainant.
- When the chair is sure that all parties have asked all that they need to, the complainant is invited to sum up his/her complaint.
- The Head-teacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within 3 school days following the day of the hearing.

- Both parties leave together while the panel decides on the issues (advised by the Diocesan Department of Schools member if there).

### **Options Open to the Panel**

The Panel may:

- 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.

### **After the Hearing**

The following actions need to be taken.

- The chair of the panel agrees with the clerk the wording of the letter to be sent to both parties. The clerk then ensures that the letter is sent out in accordance with the agreed timescale.
- The clerk writes up notes of the meeting and gives a copy to the chair of the panel.
- The clerk ensures that any recommendations to change school procedures are put on the agenda for the next governing body meeting.

**Vexatious Complaints:** If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

### **GENERAL POINTS**

#### **Complaints Made Other Than in Accordance with the Procedure**

Sometimes a complainant may be unfamiliar with, or unaware of, the complaints procedure; sometimes they may choose to take their complaint straight to governors or to other parties, such as the diocese or the LEA. In every such case, the procedure must be strictly adhered to, and the complaint redirected to its proper stage in the procedure. It is, therefore, important that all members of staff and all governors are fully aware of the procedure and that it is publicly available. It is

particularly important that governors know that they must not attempt to deal with complaints themselves, but should tell complainants to take their complaint to the school's complaints co-ordinator. At OLOV, this is the Head-teacher.

### **Complaints to Ofsted**

The Education and Inspections Act 2006 at s.160 provides a procedure for Ofsted to investigate parents' complaints about a school. A complaint cannot be investigated unless the school's complaints procedure has been exhausted, subject to the Chief Inspector's discretion to waive this requirement.

### **Complaints to the Secretary of State – The School Complaints Unit**

If a complaint has completed the school procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools. The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.

Further information can be obtained from the SCU by calling the National Helpline 0370 000 2288 or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to: Department for Education Schools Complaints Unit 2<sup>nd</sup> Floor, Piccadilly Gate Store Street Manchester M1 2WD 15.

## Policy for unreasonable complaints

Our school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, **we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.**

The school defines unreasonable complaints as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'.

Examples: A complaint may be regarded as unreasonable when the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;

A complaint may also be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;

- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.