



**ST MARGARET'S
CHURCH OF ENGLAND
ACADEMY**



*“Achievement by faith and work”
‘Inspired by the knowledge and love of God
we all come together to learn
in a Christian community where we are valued
for who we are and who we could become’*

(School Mission Statement)

POLICY ON C5: COMPLAINTS PROCEDURE

The people responsible for this policy and to whom observations and comments should be made are:

Mr S Brierley	Principal
Mrs A Penketh	Vice Principal
Mr Peter Oliver	Chair of Governors

Copies of this policy are available on request to: Governors, Staff and parents.

Unless there is a change in legislation this policy will be reviewed every 3 years.

This policy was approved at a meeting of the Standing committee on 3rd December 2018
This policy is next due to be reviewed in March 2021

St Margaret's Mission and Values

Mission

Our Academy Mission Statement:

**Inspired by the knowledge and love of God,
we all come together to learn
in a Christian community where we are valued
for who we are and who we could become.**

Values

As an Academy we have adopted eight Christian values which we feel are the basis of our community.

- A Christian community is a community of faith, and at the heart of faith is **TRUST**. Trust is about letting go – putting ourselves in God's, and in other people's, hands. Jesus told his followers to "*trust in God; trust also in me*"; so as we work together, we expect members of our community to be trustworthy and reliable, and not to let others down.
- Education is not just about academic learning; it is about personal development too. As we work together, we expect that good working relationships, and **FRIENDSHIPS**, will develop, between students as well as between members of staff. In John 15, Jesus explicitly calls his disciples not servants, but friends. As a community, we celebrate the selflessness of friendship.
- **JUSTICE** is another value that is central to our community. Justice is about appreciating that our well-being is inextricably linked to everyone else's. It is not just about our response when someone acts inappropriately; it is also about ensuring that everyone is accorded the dignity and the respect and that is rightfully theirs. Isaiah encouraged us to "*seek justice!*" – and we do.
- From time to time, however, we all get things wrong. Jesus commanded us to show **FORGIVENESS** to each other, and as a Christian community we seek to obey Him. Someone in the wrong should show self-discipline and apologise, making reparation where appropriate; someone who is wronged should accept an apology and not seek to humiliate.
- Education is about far more than chemicals, conjunctions and crotchets! As a community, we seek to foster **WISDOM** and true insight into the way life works – an understanding of the consequences of our thoughts, words and actions and an awareness of the true value of things. Such wisdom is rooted in a proper reverence for God: as the Psalmist puts it, "*the fear of the LORD is the beginning of wisdom*".
- St Paul looked back on his life and was able to say that he had "*run the race*" right to the end. All those involved in education need to demonstrate similar levels of **ENDURANCE** – learning is the ultimate life-long task, a marathon not a sprint. By showing patience and resilience we will ensure that no-one is left behind, and that all are able to achieve their God-given potential.
- These values will be all the easier for us if we show **COMPASSION**. Compassion is more than just sympathy: like Jesus, we aim to put ourselves in other people's shoes, understand their point of view, then do something about it – and thus to grow in faith.
- Underpinning all of these, we seek to be a community at **PEACE**. St Paul describes God as the God of peace. We therefore seek to demonstrate harmony, stability and security within our Christian community, downplaying dissent and accentuating the positive.

St Margaret's Academy

Complaints Procedure

Introduction

- 1 The School Standards and Framework Act 1998, section 39(1) places a duty on all governing bodies to establish a complaints procedure for parents/carers to make complaints about all matters related to the school that are not covered under other statutory procedures. In addition, there may be circumstances in which they may complain or appeal if they consider that their rights have been ignored, a wrong decision taken or if their child is not being properly taught.
- 2 Complaints are not always easy to define. It is therefore important to keep in mind a distinction between problems, concerns and complaints.

Underlying principles

- 3 Within the terms of this procedure, a complaint is defined to be an expression of dissatisfaction verbally or in writing by parents or carers of a child (or children) who attend(s) the school. Anonymous complaints will not normally be considered under this procedure. Under some circumstances, it may be appropriate for someone to act on behalf of a parent.
- 4 Complainants will be treated seriously and courteously and given the time they require to be heard. Parents/carers need not only to be listened to but also to feel that they have been listened to. It is important to St Margaret's that complainants have confidence in these procedures and know that their cases will be impartially investigated.
- 5 Complainants will be advised at the earliest possible stage how their complaint is likely to be handled (*ie*, in most cases, in line with this procedure). This procedure is available on our website and a paper copy will often be sent to complainants.
- 6 This procedure outlines the informal and formal stages by which a complaint may be made against the school. It does not cover the following areas:
 - Admissions to schools
 - Exclusions
 - Special Educational Provision (SEN Tribunal)
 - Public examinations

This is because other procedures already exist to deal with complaints about these matters. If your complaint is about one of these areas, please contact us for further advice.

Sometimes, it may not be appropriate to deal with a complaint under these procedures – for example, some sorts of Child Protection complaints may best be dealt with differently because of the sensitivities that may be involved. If this is the case, the

complainant will be advised by the Principal (or his/her representative) of the most appropriate way in which their complaint can be taken forwards.

Sometimes – for example, if a complaint has been made against a member of staff that could constitute gross misconduct by that member of staff – the investigations under the complaints procedure will be suspended until other action (including appeals) has been concluded. The complainant will be advised that alternative action is being taken, but will have to remain confidential until that procedure has been completed. They will also be told about the likely delay in the final resolution of their complaint which will result.

- 7 At all stages the aim of the procedure is to reach a resolution as speedily as possible, and at as informal a stage as possible, so that prompt improvements can be made where necessary. Where agreement cannot be reached, the aim of this procedure is to ensure that all parties are treated fairly. Conciliation between school and the parents/carers can be considered at any time within the informal or formal stages.
- 8 At all times, St Margaret's will be sensitive to the needs of complainants, taking particular care to ensure all complainants are treated fairly and are not subject to any form of discrimination. Specifically, we will be sensitive to the needs of a parent or carer who may have literacy difficulties or for whom English is not a first language.
- 9 Some complaints may be deemed to be vexatious or frivolous. The Office of the Independent Adjudicator has defined frivolous or vexatious complaints as being characterised as follows:
 - the complaints are obsessive, persistent, harassing, prolific, repetitious;
 - the complainant pursues unmeritorious complaints and/or unrealistic outcomes beyond all reason;
 - the complainant pursues meritorious complaints in an unreasonable manner (this may include situations where the complainant's frequency of contact with the school hinders the consideration of the complaint and/or impedes the ability of the Principal or school to meet the needs of all pupils equitably);
 - the complaints are designed to cause disruption or annoyance;
 - the complainant demands redress which lacks any serious purpose or value.

Where the Principal, and/or Chair of Governors, judges a complaint to be frivolous or vexatious, having considered all the relevant circumstances, he or she will take appropriate action which may include rejecting the complaint and/or restricting contact between the complainant and the school. Under such circumstances the Headteacher or Chair of Governors will write to the complainant and explain this decision and the reasons for it, and what action will follow.

Where a complainant seeks to reopen a matter the same as, or similar to, a matter previously considered under the procedure the Chair of Governors has the right to inform him/her that the procedure has been exhausted and the matter is closed.

First stage: dealing with complaints informally

- 10 The vast majority of complaints can be resolved informally. There are many occasions where concerns are resolved straightaway through a Head of Year, member of the

support staff, or Headteacher, depending on whom the parents or carers first approach. Parents or carers must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. At first it may be unclear whether a parent or carer is asking a question or expressing an opinion rather than making a complaint; indeed parent or carer may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

- 11** At this informal stage, the parent or carer will be given an opportunity to discuss their concern with the appropriate member of staff who will clarify with the nature of the concern and, where appropriate, give reassurance that we want to hear about it. It may be helpful to identify at this point what sort of outcome the parent or carer is looking for.
- 12** The member of staff will need to respond appropriately, taking into account the seriousness of the complaint. Hopefully the appropriate member of staff can then resolve the matter immediately.
- 13** If the member of staff first contacted cannot deal immediately with the matter, they will make a clear note of the date, the name, and contact address or phone number of the complainant, and pass it on to the Principal or an appropriate member of the Senior Leadership Team. Where the concern relates to the Principal, the parent should be advised to contact the Chair of Governors. The member of staff dealing with the concern or complaint will make sure that the parent or carer is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing if this seems the best way of making things clear.
- 14** Where no satisfactory solution has been found within 10 school days, the parent or carer will be given clear information, either orally or in writing, about how to proceed with their complaint, such as a formal letter to the school, and (if appropriate) about any independent advice available to them.

Second stage: referral to the Principal (or his or her nominee) for investigation

- 15** By now it will have become clear that the concern is a definite complaint. In some cases the Principal will already have been involved in looking at the matter; in others it will be their his or her first involvement. In either case, it will be helpful for the Principal (or member of staff designated to investigate) to use these guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.
- 16** As the Principal has responsibility for the day-to-day running of their schools, he or she has responsibility for the implementation of a complaints system, including the decisions about his or her own involvement at the various stages. One of the reasons for having the various 'stages' in a complaints procedure is to reassure complainants that more than one person is hearing their complaint.
- 17** Normally the Principal will lead this stage of the process. However, he or she may designate another member of staff to collect some of the information from the various parties involved.

- 18** By this stage, complaints would normally be in a written format, although in exceptional cases St Margaret's will consider progressing an oral complaint where there are sufficient grounds to do so. The Principal (or designated member of staff) will acknowledge the complaint orally or in writing within three working days of receiving the written complaint. The acknowledgement may give a brief explanation of the school's complaints procedure (or may enclose this document) and will give a target date for providing a response to the complaint, which will normally be within 15 school working days. If this subsequently proves unworkable, a letter will be sent explaining the reason for the delay and giving a revised target date.
- 19** The Principal may provide an opportunity for the complainant to meet him or her to supplement any information provided previously. The complainant may be accompanied to any such meeting by a friend, relative, representative or advocate who can speak on their behalf; interpreting facilities will be made available if needed.
- 20** If necessary, the Principal (or his or her nominee) may interview witnesses and take statements from those involved. Appropriate records will be kept of meetings, telephone conversations and other contacts.
- 21** Once all the relevant facts have been established, the Principal will produce a written response to the complainant, and/or may wish to meet the complainant to discuss/resolve the matter directly. Any written response will include an explanation of the decision and the reasons for it. Where appropriate, it will also include what action the school will take to resolve the complaint. If any action is to be taken against a member of staff, in order to protect the rights of the member of staff concerned, a phrase such as "*Appropriate action has been, or will be, taken*" may be used.
- 22** The complainant will be advised that should they wish to take the complaint further they should notify the Chair of the Governing Body within 15 school working days of receiving the outcome letter.
- 23** Where the complaint is against the Headteacher, arrangements should be made for the initial investigation to be conducted by a single Governor (usually the Chair of Governors, or Vice Chair of Governors) who will carry out all the Stage 2 procedures.

Third stage: appeal to a Governors' Complaints Panel

- 24** Complaints only rarely reach this formal level. If the Governors are to consider a complaint, they must do so impartially, and be seen to do so impartially. To that end, complaints that reach this third stage will be considered by a panel of two Governors (one of whom may be the Chair or vice-Chair of the Governing Body) and a third person who is completely independent of the school.
- 25** By this stage, the complaint must be in writing, addressed to the Chair of Governors. The complaint should state clearly why the complainant feels their case has not been dealt with satisfactorily to date, and should be based on evidence.
- 26** Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below will be followed:
 - The Chair of Governors will write to the complainant to acknowledge receipt

- The acknowledgement will inform the complainant that the complaint will be considered by a Governors' Complaints Panel, which will include a member independent of St Margaret's, within 20 school days of receiving the request.
- The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. The Principal may also submit documentation on behalf of the St Margaret's. All documents must be received in time for them to be sent to the members of the Committee.
- The Governors' Complaints Panel clerk will write and inform the complainant, the Principal, and the Panel members at least a week in advance, of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. All concerned, including the complainant, will receive any relevant documents, including any documents submitted on behalf of the school. The letter will also explain how the meeting will be conducted, *ie*:
 - the parent(s) or carer(s) will present their complaint;
 - the Panel and the Principal may ask questions of the parent(s) or carer(s);
 - the Principal will respond on behalf of the school;
 - the Panel and the parent(s) or carer(s) may ask questions of the Principal;
 - the Principal will sum up the school's case; and then
 - the parent(s) or carer(s) will sum up their case.
- The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations, which will satisfy the complainant that his or her complaint has at least been taken seriously.
- The Panel will remember that some parents and carers are unused to dealing with groups of people in formal situations and may therefore feel inhibited. It is therefore recommended the Panel Chair ensures that the proceedings are as informal as the situation allows
- If either party, at the sole discretion of the Chair, wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- The Chair of the Committee will explain to the complainant and the Headteacher that the Committee will consider its decision, and a written response will be sent to both parties within 15 school days.
- The Committee will then consider the complaint and all the evidence presented and:
 - reach a unanimous, or at least a majority decision on the complaint;
 - decide upon the appropriate action to be taken to resolve the complaint; and
 - where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again; these recommendations will be reported to the Full Governing Body at an appropriate time.
- A written statement outlining the decision of the Committee will be sent to the complainant and Headteacher. If any action is to be taken against a member of staff, in order to protect the rights of the member of staff concerned, a phrase such as "*Appropriate action has been, or will be, taken*" may be used.

- The Governors will ensure that a copy of all correspondence and notes are kept on file in the Governors' records. These records will be kept separately from the pupils' personal records.

Progressing the complaint beyond St Margaret's

27 Parents or carers may wish to progress their complaint to other organisations. Since St Margaret's is a Church of England Academy, complaints may be made to the Diocese of Liverpool on 0151 705 2190 or through communications@liverpool.anglican.org

The Government provide information about how to progress complaints through non-Diocesan routes at <https://www.gov.uk/complain-about-school> This webpage states that:

- *"You can complain to Ofsted about a state school if there's a problem that affects the whole school - this includes problems with the quality of education or poor management".* Ofsted can be contacted on 0300 1234 234, or through enquiries@ofsted.gov.uk
- because St Margaret's is an Academy, *"You can complain to the Education Funding Agency (EFA) if there's a problem with the school's complaints procedure [or if] the school is not following the terms of its funding agreement".* The EFA can be contacted through the Department for Education on 0370 000 2288

The webpage also gives contacts for other agencies to whom parents and carers may wish to complain (such as the Information Commissioner), and useful information about other services (such as free legal advice).

The Governors

St Margaret's Church of England Academy
February 2015