

# **BALLYTOBER**



## **COMPLAINTS PROCEDURE**

**Ratified : 18<sup>th</sup> June 2019**

**Signed : Rev Buick, Chairperson, BoG**

## THE COMPLAINTS PROCEDURE

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## **THE COMPLAINTS PROCEDURE**

### ***Ballytober Primary School***

#### **FOREWORD**

Here at Ballytober Primary School, we take complaints very seriously. We have the best interests of all our pupils and their families at the centre of all we do. In this regard, we encourage anyone with a concern to speak to us as soon as possible. If concerns are dealt with at an early stage, then they are more likely to be resolved and there is no unnecessary dissatisfaction.

Many issues can be addressed simply by talking to the relevant staff in school who will be happy to help. Open communication and regular engagement between the school staff and all key stakeholders is vital to the effective management of the school.

The purpose of the Complaints Procedure is to address complaints raised by parents/guardians. If you have any concerns, please talk to the teacher or Principal. We take all concerns seriously and make every effort to resolve matters as quickly as possible. It is important to differentiate between concerns and complaints. The first stages outlined in the policy are raising concerns with the class teacher and principal and should you feel you need to proceed to making a formal complaint the procedure is outlined below.

## **AIMS**

In operating this Complaints Procedure we aim to:

- encourage resolution of problems by informal means wherever possible
- allow swift handling of a complaint within established time-limits for action
- keep people informed of progress
- ensure a full and fair investigation
- have due regard for the rights and responsibilities of all parties involved ensuring all parties are treated with respect
- respect confidentiality
- fully address all aspects of a complaint and provide an effective response and appropriate redress, where necessary
- take appropriate action to rectify the issue and prevent it happening again where appropriate
- be responsive to learning from outcomes which will inform and improve practice within school

This Procedure is designed to be:

- easily accessible and publicised
- simple to understand and use
- impartial
- non-adversarial

A copy of this Procedure is available on the school's website or is available from the school on request.

## **WHAT TO EXPECT UNDER THIS PROCEDURE**

### **Your rights as a person making a complaint**

In dealing with your complaint we will ensure that you receive:

- fair treatment
- respect as we listen to the complaint and reassurance it is taken seriously
- courtesy
- a timely response
- accurate advice
- respect for your privacy – complaints will be treated as confidentially as possible allowing for the possibility that we may have to consult with other appropriate parties about your complaint
- reasons for our decisions

Where the complaint is upheld, we will acknowledge this and address the complaint you have raised. If, after investigation, it is judged there are no grounds for your complaint, you will be advised accordingly.

### **Your responsibilities as a person making a complaint**

In making your complaint we would expect that you:

- raise issues in a timely manner
- treat our staff with respect and courtesy; all meetings and telephones will be adjourned where staff feel threatened, intimidated, disrespected or perceive aggression
- exercise confidentiality and not engage others in discussing your complaint in an inappropriate manner; staff adhere to a code of conduct and will not engage in discussing a complaint or any member of staff inappropriately
- provide accurate and concise information in relation to the issues you raise
- use these procedures fully and engage with them at the appropriate levels

### **Rights of parties involved during the investigation**

Where a meeting is arranged, the complainant may be accompanied but not represented by another person. This Procedure does not take away from the statutory rights of any of the participants.

#### **Complainant**

Where a meeting is arranged, the complainant may be accompanied by another person where it is accepted, by the Board of Governors and the Principal, that this will assist the investigation and resolution of the complaint.

#### **Staff**

Staff may seek the advice and support from their professional body or Trade Union and may also be accompanied by another person to meetings where it is accepted, by the Board of Governors and the Principal, that this will assist the investigation and resolution of the complaint.

In some cases the Designated Teacher for Child Protection or Pastoral Care leader may also attend meetings.

A member of staff who is the subject of a complaint will be provided with full details of any allegations made against him/her before being required to respond to the matters raised. In many occasions this may be best achieved by providing the member of staff with a copy of the letter. However, the views of the complainant will be sought before doing so.

**Legal Representation**

Legal representation, or representation by a person, or persons acting in a professional capacity **is not** permitted within this Procedure.

This Procedure does not take away from the statutory rights of any of the participants.

**Where the complainant is a Governor**

Where the complainant is a member of the Board of Governors, s/he will play no part in the management, or appeal, of the complaint as set out in this Procedure.

## RAISING CONCERNS

### Informal Stage

#### Step 1 - Speaking with Teacher

In the first instance, a concern should normally be raised verbally with the teacher concerned, so that s/he may have an opportunity to address the issue(s). **Please observe the school's existing protocols for arranging and conducting such meetings and follow the school's policy with respect to access to members of staff:**

1. No concerns should be raised with the class teacher at the school or classroom door. Confidentiality is paramount. During school hours, children's safety, happiness and learning is our priority so **all** concerns should be raised by making an appointment with the class teacher for **before 9.00am** or **after 3.00pm**. The same applies for telephone calls. Concerns are most effectively dealt with when time is given to meet and discuss issues with responses and outcomes shared with parents and review dates set. If you require regular communication with the class teacher, a homelink facility is available where necessary.
2. If the member of staff whom the parent has first contacted cannot deal with the matter immediately, she will make an arrangement to deal with it as soon as possible or refer the matter to another member of staff. On some occasions, the principal may deal directly with a matter at this stage if it seems appropriate.
3. In accordance to the ethos of our school, staff have the right to be spoken to with respect and should there be any perceived aggression, intimidation or disrespect, meetings and telephone calls will be adjourned, and the matter passed to the principal. In such cases the principal will meet with the parent when an agreed non-adversarial persona is adopted. All pupils and staff have the right to feel safe in school and we have zero tolerance for any aggressive behaviour. Any breach of appropriate conduct may result in police intervention and the revoking of license on school grounds.
4. Concerns about a sub teacher should be reported to the Principal and not directly to the sub teacher or other members of staff.

The teacher will inform the Principal of the concern and share how it was resolved.

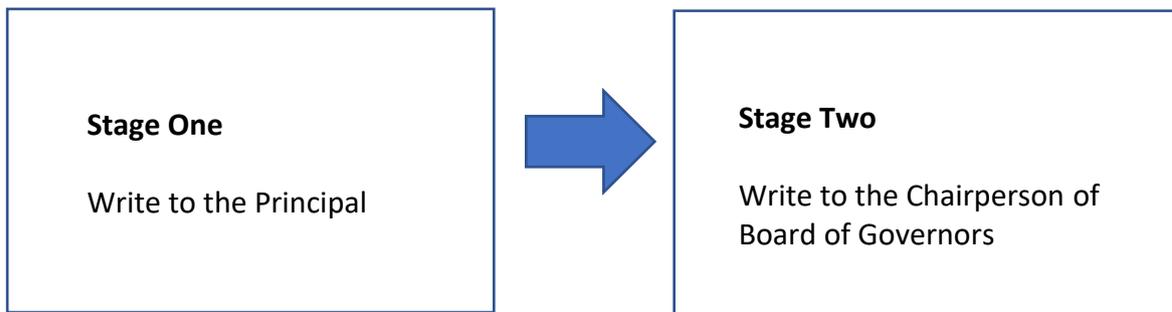
## **Step 2 - Speaking with the Principal**

If your concern remains unresolved following Step 1, you should arrange a meeting with the Principal to discuss the issue(s). In some circumstances the Principal may not be able to deal effectively with your concern immediately, and she may require some time to investigate and respond. If further time is required, you will be informed of the timescale and the likely date by which the Principal will respond. Meetings and telephone calls with the principal should follow same format as meetings with class teacher – arranged for **before 9.00am** or **after 3.00pm**. The Principal is teaching every day except Monday so appointments can be scheduled for any time on a Monday by ringing the office. In some cases, the Designated Teacher for Child Protection or Pastoral Care leader may also attend meetings.

At this informal stage your concerns should be raised and dealt with by the teacher. If you proceed to the formal part of the process, the principal will assume responsibility for the process, unless she is the subject of the concern, in which case the Chair of the Board of Governors will assume responsibility. Governors approached by a complainant should refer him/her to the Principal or the Chairperson as indicated in the following stages of the procedure. Should it be necessary, the Board of Governors will be responsible for establishing a Complaint Sub-Committee to investigate and resolve the matter.

## **MAKING A COMPLAINT**

### **Formal Stage**



### **Time Limit**

Please contact the school as soon as possible, unless there are exceptional circumstances. Complaints will normally only be considered within 6 months of origin of the complaint to notification of the school.

## Stage 1- Writing to the Principal

Parents who wish to pursue a complaint should put their complaint in writing to the school principal stating clearly that they are lodging a formal complaint. The school requires complaints to be made in writing. Where this may present difficulties, please contact the school which will make reasonable arrangements to support you with this process.

Please provide as much information as possible including;

- name and contact details
- what the complaint is about
- what has already been done to try to resolve it and
- what you would like the school to do to resolve the complaint.

The Principal may designate another member of staff to carry out any investigation required or the Principal may carry out any investigation.

The complaint will normally be acknowledged within 5 school working days and a response normally made within 20 school working days of receipt of the complaint. This response will be issued in writing by the Principal and will indicate with reasons whether the complaint has been upheld, partially upheld or not upheld. It will either:

- Provide a response to the issue(s) you raised; or
- State that your complaint is being investigated and indicate when you can expect a response to be issued (normally a maximum of 20 working days from the date on which your letter was received). The investigation may require you to meet the Principal and due notification will be given of such meeting. The principal may also talk to the parties relevant to the complaint.

Once all the relevant facts have been established, the Principal (or designated member of staff) will arrange a meeting with the complainant to discuss and resolve the matter. The complainant will be notified in writing of the outcome of this meeting. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence
- The concern was substantiated in part or in full (some details may be then given of the action the school may be taking to review procedures etc. But details of the investigation or any disciplinary procedures will not be released.
- The matter has been fully investigated and that the appropriate procedures are being followed which are strictly confidential.

The complainant will be told that consideration of their complaint by the Principal is now concluded.

These timeframes may need to be reviewed if complaints are ongoing during school holiday periods.

If you remain unhappy with the outcome at Stage 1, the complaint may be progressed to Stage 2 which is overseen by the Board of Governors.

## **Stage 2 - Writing to Chairperson of the Board of Governors**

If you believe that your complaint has not been dealt with in a satisfactory manner following the completion of Steps 1, 2 and 3, you should write to the Chairperson of the Board of Governors (*'care of the school and marked 'private and confidential'*). The Chairperson will convene a committee to review the complaint. Please provide as much detail as possible as indicated above. The Chairperson will be responsible for referring your complaint to a Complaints Sub-Committee of the Board of Governors, which will investigate and respond to your complaint. The Complaints Sub-Committee will have a minimum of three voting members.

The complaint will normally be acknowledged within 5 school working days and a final response normally made within 20 school working days from date of receipt of the complaint. The response will be issued in writing by the Chairperson of the committee. This will confirm that your letter has been received and

- Provide a response to the issue(s) you raised;
- Or
- State that your complaint is being fully investigated and indicate when you can expect a response to be issued (normally a maximum of 25 working days from the date on which your written complaint was received).

The investigation may require you to meet the Complaints Sub-Committee of the Board of Governors and due notification will be given of such meeting. The Complaints Sub-Committee of the Board of Governors may also talk to the parties relevant to the complaint. Following the meeting the sub-committee will consider its decision and write to both parties with the outcome within 15 days.

***These timeframes may need to be reviewed if complaints are ongoing during school holiday periods.***

## **Northern Ireland Public Services Ombudsman (NIPSO)**

If following Stage Two you remain dissatisfied with the outcome of your complaint, you can refer the matter to the Office of the Northern Ireland Public Services Ombudsman (NIPSO).

The Ombudsman provides a free, independent and impartial service for handling complaints about schools in Northern Ireland. You have the right to complain to the Ombudsman if you feel that you have been treated unfairly or have received a poor service from a school and your complaint has not been resolved to your satisfaction.

A complaint should normally be referred to NIPSO within six months of the final response from the School. The school must advise in its concluding letter that the complaint may be referred to the NIPSO if you remain dissatisfied.

Contact details for NIPSO are:

### **Northern Ireland Public Services Ombudsman**

Office of the Northern Ireland Public Services Ombudsman  
Progressive House  
33 Wellington Place  
Belfast  
BT1 6HN

Freepost: FREEPOST NIPSO

Telephone: 02890 233821  
Freephone: 0800 34 34 24

Email: [nipso@nipso.org.uk](mailto:nipso@nipso.org.uk)  
Web: [www.nipso.org.uk](http://www.nipso.org.uk)

**SCOPE OF COMPLAINTS PROCEDURE**

The Complaints Procedure sets out how any expression of dissatisfaction relating to the school will be managed. By taking concerns raised seriously at the earliest possible stage, it is hoped that issues can be resolved quickly and effectively.

**Some examples of complaints dealt with;**

- not following school policy
- communication delays / lack of communication
- difficulties in staff / pupil relationships.

**Complaints with separate established procedures**

Some examples of statutory procedures and appeal mechanisms are listed below. The list is not exhaustive. The Principal/ Chair of Governors will advise on the appropriate procedure to use when the complaint is raised.

**Matters may still be referred to NIPSO, if it is felt that maladministration has occurred.**

<b>Exceptions</b>	<b>Contact</b>
<ul style="list-style-type: none"> <li>• Admissions / Expulsions / Exclusion of children from school</li> </ul>	Contact <a href="http://www.eani.org.uk">www.eani.org.uk</a> Director of Operations and Estates Sara Long
<ul style="list-style-type: none"> <li>• Statutory assessments of Special Educational Needs (SEN)</li> </ul>	Contact <a href="http://www.eani.org.uk">www.eani.org.uk</a> Director of Children and Young People’s Services Dr Clare Mangan
<ul style="list-style-type: none"> <li>• School Development Proposals</li> </ul>	Contact <a href="http://www.eani.org.uk">www.eani.org.uk</a> Director of Education John Collings
<ul style="list-style-type: none"> <li>• Child Protection / Safeguarding</li> </ul>	Contact <a href="http://www.eani.org.uk">www.eani.org.uk</a> Director of Children and Young People’s Services Dr Clare Mangan

The school will not normally investigate anonymous complaints, unless deemed by the Chairperson of the Board of Governors to be of a serious nature. The decision of whether to deal with such complaints will be at the discretion of the Board of Governors. *(see guidance notes for further information)*

## **Timeframes**

Where concerns are raised with the relevant Teacher or Principal, a response will normally be provided during the meeting or within an agreed timeframe.

**Stage 1** – Normally acknowledge within 5 school working days, response normally within 20 school working days

**Stage 2** – Normally acknowledge within 5 school working days, response normally within 20 school working days

If, for any reason, the review of a complaint takes longer to complete, you will be informed of revised time limits and kept updated on progress.

**These timeframes may need to be reviewed if complaints are ongoing during school holiday periods.**

## **Equality**

The school requires complaints to be made in writing. Where this may present difficulties, please contact the school which will make reasonable arrangements to support the complainant with this process.

## **Unreasonable Complaints**

The school is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain.

There will be occasions when, despite all stages of the complaints procedure having been completed and the complaint having been reviewed by the Ombudsman, the complainant remains dissatisfied. If they try to re-open the same issue, the Chair of Governors will inform them that the procedure has been completed and that the matter is now closed.

If the complainant repeatedly continues to contact the school with the same issue it may choose not to respond.

## **Appeals Process - Appeals Sub-Committee of the Board of Governors**

If you are dissatisfied with the decision of the Board of Governors Sub Committee you may write to the Chairperson of the Board of Governors within 10 working days of receiving written feedback from the Complaints Sub-Committee, appealing their decision. This procedure is outlined in **Annex 1 on Page 14**. Your written request should be as concise as possible and set out specifically the grounds for your appeal.

The Chairperson will be responsible for establishing an Appeals Sub-Committee comprising of at least three members of the Board of Governors who were not involved in the original investigation. You will be invited to a meeting of the Appeals Sub-Committee where your appeal will be heard.

You will receive a written acknowledgement of your letter within 10 working days. This will confirm that your letter has been received and provide you with the date and time of the meeting with the Appeals Sub-Committee at which you will have an opportunity to explain the grounds for your appeal. This meeting will normally take place within 30 working days of you appeal request having been received.

Within 10 working days of this meeting, you should expect a final written response. This will indicate the Governor's findings, their recommendations and the reasons supporting their decisions. The complainant, and the Principal or Chair, as appropriate will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly, so the matter is now closed.
- The concern was substantiated in part or in full and the Board of Governors will take steps to prevent a recurrence or to rectify the situation (where this is practicable).

The complainant is not entitled to access any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.

The decision of the Appeals Sub-Committee is final. At the end of the process the Chairperson will inform you, in writing, that the Complaints Procedure has been exhausted and that the matter is considered closed.

## **RECORD KEEPING**

The Principal and Chairperson of the Board of Governors will share with parents all agreed actions and responses from complaints. Correspondence, conversations and meeting records will be held confidentially in the school and will be kept apart from pupil records.

## **ANNEX I**

### **APPEALS PROCESS – APPEALS SUB-COMMITTEE OF THE BOARD OF GOVERNORS**

If you are dissatisfied with the decision of the Sub-Committee of the Board of Governors, you may write to the Chairperson of the Board of Governors within ten working days of receiving written feedback from the Complaints Sub-Committee, appealing their decision. Your written request should be as concise as possible and set out specifically the grounds for your appeal.

The Chairperson will be responsible for establishing an Appeals Sub-Committee comprising of at least three members of the Board of Governors who were not involved in the original investigation. You will be invited to a meeting of the Appeals Sub-Committee where your appeal will be heard.

You will receive a written acknowledgement of your letter within ten working days. This will confirm that your letter has been received and provide you with the date and time of the meeting with the Appeals Sub-Committee at which you will have an opportunity to explain the grounds for your appeal. This meeting will normally take place within 30 working days of your appeal request having been received.

Within ten working days of this meeting, you should expect a final written response. This will indicate the Governors' findings, their recommendations and the reasons supporting their decisions.

The decision of the Appeals Sub-Committee is final. At the end of the process the Chairperson will inform you, in writing, that the Complaints Procedure has been exhausted and that the matter is considered closed.