

Ss Alban & Stephen Catholic Infant & Nursery School

SCHOOL COMPLAINTS PROCEDURE

March 2015

Review March 2017

Our school is keen to ensure that any complaint made about the school, its staff, pupils, senior leaders or governors is handled with care and consideration. In adopting this complaints policy, the school aims to handle complaints in a manner which is:

- non-adversarial
- swift (using agreed time limits)
- fair (using independent investigation where necessary)
- confidential

Throughout any complaints process, the school will be willing:

- to listen
- to learn
- to admit mistakes
- to apologise if appropriate
- to address any issues raised
- to change school practice if appropriate

In using this procedure:

- staff are asked to be aware that complainants may feel intimidated by the school as an institution and unsure whether they will be treated fairly
- complainants are asked to be aware that those complained about, especially individual members of staff, may feel very vulnerable during this process

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 all parties and a renewed commitment to work together amicably. The gospel values of justice and forgiveness should always underpin the entire process.

Prior to invoking this complaints procedure, complainants are requested to raise any complaint with their class teacher. If that is found to be unsatisfactory, or is inappropriate in the circumstances, the three-stage formal complaints procedure set out below should be invoked.

During the formal complaints process, the complainant has the right to representation from a union representative.

This Complaints Procedure does not apply to:

- complaints by members of staff (who should use their own Grievance Procedure)
- procedures with their own appeal structure e.g. admissions and exclusions
- concerns about the delivery of the National Curriculum.

It is also totally separate from any Disciplinary or Capability Procedures. If the investigation of any complaint were to lead to concerns on the part of the headteacher or governors about the capability or conduct of a member of staff, these would not be discussed or dealt with within this procedure.

The school cannot deal with complaints made anonymously.

Outline of the formal procedure

There are three stages to the formal procedure:

Stage 1

Complaint heard by a member of staff (not the subject of the complaint).

The Headteacher is the school designated Complaints Co-ordinator, to whom all formal complaints must be addressed in the first instance.

The co-ordinator will keep records of each complaint and of action taken in regard to it (see Appendix A) so that the senior leaders and governors of the school can be kept informed of all issues that arise and as a result can change or develop school practices where necessary or appropriate.

While the Headteacher will co-ordinate the complaint, it will be heard by a designated member of staff at this stage.

Stage 2

Complaint heard by the Headteacher.

Stage 3

Complaint heard by Governing Body's Complaints Appeal Panel.

If unsatisfied at Stage 1 or 2, the complainant can take the complaint to the next stage.

THE FORMAL COMPLAINTS PROCEDURE

Stage 1 – Complaint Heard by Staff Member

- 1.1** Any person wishing to make a complaint should address it in the first instance to the complaints co-ordinator (the Headteacher). This should be done in writing.
- 1.2** The complaints co-ordinator will log the complaint and either investigate the complaint personally or refer it to an appropriate member of staff to investigate. In making this decision, the co-ordinator will be sensitive to any indication that the complainant would have difficulty discussing the complaint with a particular member of staff.
- 1.3** If the complaint concerns the Headteacher, the co-ordinator should refer it to the chair of governors. If the complaint concerns the chair of governors, the co-ordinator should refer it to the vice-chair.
- 1.4** Whoever investigates the complaint will:
 - establish what has happened so far, and who has been involved;
 - clarify the nature of the complaint and what remains unresolved;

- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right, clearing up any areas of misunderstanding, identifying areas of agreement and discussing what might be possible;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish (this should include adults and pupils as appropriate, whether main players or witnesses);
- conduct each interview with an open mind and be prepared to persist in the questioning;
- keep notes of each interview (the person investigating the complaint may ask for assistance with taking notes). The notes will be agreed between the interviewee and interviewer after the interview.

1.5 Timescales. Within twenty school days of receiving the complaint, the investigator will complete the investigation and contact the complainant to arrange a meeting (see **1.6**). At any point in the process, the complaints co-ordinator may decide or agree to commission a further investigation, whether by a member of staff or an independent person. If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.

1.6 When the investigation is complete, the member of staff investigating will meet the complainant to try to resolve the complaint. Every effort will be made to try to resolve the complaint at this meeting. The co-ordinator will consider whether any of the following are appropriate at this point:

- an acknowledgement that the complaint is valid in whole or in part;
- an explanation that the complaint is invalid and the reasons why;
- 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.

Some of the above may require that the investigator seek authority from the Headteacher.

1.7 If the complaint cannot be resolved at the end of Stage 1, the complainant may refer it to Stage 2.

Stage 2 – Complaint Heard by Headteacher

2.1 Where a complaint has not been resolved at Stage 1, it will be referred to the Headteacher unless the original complaint concerned either the Headteacher or the chair of governors in which case the complainant may refer it straight to Stage 3.

2.2 The Headteacher will either investigate the complaint personally or refer it to another senior member of staff (who has not so far been involved) or arrange for an independent investigation if appropriate. At this point it is possible that the complaint will have escalated to include a complaint concerning the manner in which the original complaint has been handled. Both parts of the complaint would in this case need to be investigated.

2.3 In conducting the investigation, the investigator will operate in accordance with section 1.4.

- 2.4** Timescales: Within twenty school days of receiving the complaint, the investigator will report back to the Headteacher. Within a further five school days, the Headteacher will contact the complainant and arrange a meeting (see 2.5). At any point in the process, the Headteacher may decide or agree to commission a further investigation, whether by another senior member of staff or a governor or an independent person (eg from the diocese or the Local Authority or another appropriate agency depending on the nature of the complaint). If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.
- 2.5** When the investigation is complete, the Headteacher will consider the evidence and, whether or not he or she investigated the matter personally, will meet the complainant (with or without the person who conducted the investigation if different) to try to resolve the complaint. Every effort should be made to resolve the complaint at this meeting. Any of the suggestions in section 1.6 may be appropriate at this point.
- 2.6** If the complaint cannot be resolved, the complainant may refer it to Stage 3.

Stage 3

Complaint Heard by Governing Body's Complaints Appeal Panel

- 3.1** A Complaints Appeal Panel, consisting of three governors, should be appointed annually by the governing body. This panel will have delegated power to hear and finally determine complaints. Any governor who has prior involvement in or detailed knowledge of a particular complaint or its investigation may not sit on the panel hearing that complaint. It would be advisable, therefore, for the governing body to agree alternative panel members in case of such a circumstance (an ad hoc committee). The complaint must not be discussed at a meeting of the full governing body as this could compromise the impartiality of the complaints panel and also any subsequent disciplinary hearing which may follow a serious complaint against a member of staff.
- 3.2** To trigger Stage 3, the complainant will have been dissatisfied with the school's approach to the complaint in the first two stages and must now put the complaint in writing to the chair of governors. The chair will check what has happened so far and, if the procedure has been properly followed and it is appropriate to move to Stage 3, he or she, or a nominated other governor, will - via the clerk - convene a Governing Body's Complaints Appeal Panel. If the original complaint concerned the chair of governors and was referred to the vice-chair at Stage 1, the vice-chair will tell the complainant the name of the nominated governor for a referral to Stage 3. (see section 3.1)
- 3.3** This is the final stage of the procedure. There is no further redress or appeal. It is, therefore, vital that, in the spirit of the procedure, the Appeal Panel should:
- be prepared to hear complaints without preconceptions;
 - examine and discuss the matter fully so that they ensure that they have every piece of information or evidence that they require;
 - be prepared to commission, organise or conduct further investigations if necessary;
 - give the complainant the opportunity to express their dissatisfaction and worries and to suggest what might put things right;
 - be prepared to take whatever action is required.
- 3.4** Timescales. The date of the Appeal Panel Meeting should be agreed by all parties within five school days of the receipt of the written referral of the complaint. The meeting itself

should be held within fifteen school days of the receipt of the referral. If the complainant or the Headteacher wishes to submit information in writing to the panel, they should send it to the clerk to the governors at least five school days before the meeting. As far as possible, the meeting should not be delayed if the referral comes at the end of a term, especially at the end of the summer term. Since the aim of the procedure is to resolve the issue and effect reconciliation if necessary, it will be best if the matter can come to the panel as quickly as possible, especially as the complainant will already have been engaged over a protracted period in attempts to put things right.

The Meeting of the Governing Body's Complaints Appeal Panel

3.5 Before the meeting: Members of the Appeal Panel should consider carefully any documentation from the Headteacher or the complainant but should not discuss the matter with any one, including the other members of the Appeal Panel, before the meeting. The Appeal Panel must operate scrupulously as an independent arbiter of the complaint.

3.6 Conduct of the meeting – to be borne in mind:

- One of the Appeal Panel must act as chair and there should be a clerk for the meeting.
- A member of the Diocesan Education Service may be invited by the Appeal Panel to advise and support the panel.
- The meeting room should be private and as informally laid out as possible in order to encourage a spirit of partnership. Everyone needs to remember that the aim and purpose of the meeting is to resolve the complaint and find ways of going forward together. Every complainant should feel at the end that their complaint has been taken seriously and examined impartially.
- Very special care should be taken if the complainant is a child or if there are child witnesses. Children's views should be given equal consideration to those of adults. If a parent has complained on behalf of a child, the parent should be given the opportunity to say which parts of the meeting the child needs to attend.

3.7 Role of the Clerk. The clerk will:

- confirm to all parties in writing the date, time and venue of the hearing;
- receive and distribute any documentation to be read before the hearing;
- meet and welcome all parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the Appeal Panel's decision within five school days (or such time as decided by Appeal Panel). The wording of any letters will be agreed with the chair of the Appeal Panel.

3.8 Role of the Chair of the Panel. The chair will ensure:

- that the procedure is properly followed (with the support of the Diocesan Education Service if requested);
- that the procedure for the hearing of the complaint is explained to all parties and that all parties have the opportunity to put their case without undue interruption;
- that the issues are addressed;
- that all parties are put at their ease, especially any who may not be accustomed to speaking at such a hearing;

- that the proceedings are kept as informal as possible and that everyone treats each other with respect and courtesy;
- that the Appeal Panel operates in an open-minded and independent way; at that time is given for all parties to consider any 'new' evidence.

Role of the Diocesan and Local Authority Representatives:

- To advise the Appeal Panel on procedure. The Diocesan and local authority officers are there in an advisory capacity only. They do not have a vote and do not participate in the Appeal Panel's decision-making process.

3.9 Order of Proceedings for the Hearing of the Complaint

- Welcome, introductions and explanations of the proceedings by the chair.
- The complainant is invited to explain the complaint.
- The Headteacher may question the complainant.
- The Appeal 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 Headteacher may question them, and then the Appeal Panel may question them. In each case, the witness may leave after their 'evidence'.
- The Headteacher 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 their complaint.
- The Headteacher 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 Appeal Panel within five 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).

3.10 Options Open to the Appeal Panel

The Appeal 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.

3.11 After the Hearing

The following actions need to be taken.

- The chair of the Appeal 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 the notes of the meeting and gives a copy to the chair of the Appeal Panel.
- The clerk ensures that any recommendation to change school procedures is put on the agenda for the next governing body meeting.

3.12 Vexatious Complaints

If the complainant, still dissatisfied, 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.

Date policy adopted: March 2015

APPENDIX A EXAMPLE OF A COMPLAINT RECORD FORM
(could be used for Stage 1 and Stage 2)

PART A RECORD OF COMPLAINT

Complainant's Name:

Address:

Telephone:

Details of the Complaint:

Date Complaint Made:

Action Already Taken to Resolve the Matter:

Complainant's View of what might resolve the issue:

PART B ACTION TAKEN IN ACCORDANCE WITH THE COMPLAINTS PROCEDURE

Complaint Investigated By:

Action (with dates):

Date of formal meeting with complainant:

Outcome of the Meeting: