

# Complaints Procedure



## ST JOHN PAYNE CATHOLIC SCHOOL

Date Of Issue	Review Date	Nominated Lead Member of Staff
September 2017	September 2018	Headteacher

# **St John Payne Catholic School Complaints Procedure**

## **General Principles – Commentary & Guidance**

### **1. Dealing with Complaints – General Principles**

We believe that by taking informal concerns seriously at the earliest stage we will help reduce the number that develop into formal complaints.

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as possible. Any matters raised more than 3 months after the event being complained of will not be considered, save in exceptional circumstances.
- The investigation will be completed as soon as reasonably practicable.

The underlying principle is that concerns are best handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally.

### **2. Framework of Principles**

Our Complaints Procedure aims to:

- encourage resolution of problems by informal means wherever possible;
- be easily accessible and publicised;
- be simple to understand and use;
- be impartial;
- be non-adversarial;
- allow swift handling with established time-limits for action and keeping people informed of the progress;
- ensure a full and fair investigation by an independent person where necessary;
- respect people's desire for confidentiality;
- address all the points at issue and provide an effective response and appropriate redress, where necessary;
- provide information to the school's senior management team so that services can be improved.

### **3. Investigating Complaints**

At each stage, the person investigating the complaint makes sure that they:

- 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;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;

- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

#### **4. Resolving Complaints**

At each stage in the procedure we will keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- 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.

Complainants are encouraged to state what actions they feel might resolve the problem at any stage.

We aim to identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred.

#### **5. Dealing with Complaints – Informal procedures**

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, by telephone or in person by appointment. Many concerns can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. In the case of serious concerns it may be appropriate to address them directly to the Headteacher. An unreasonable and obvious refusal to attempt an informal resolution may result in the procedure being terminated forthwith.

#### **6. Dealing with Complaints – Formal procedures**

The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

At the formal stage the school's 'complaints co-ordinator' is the Clerk to the Governors.

#### **7. Vexatious Complaints**

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the GB will inform them in writing that the procedure has been exhausted and that the matter is now closed.

## 8. Time-Limits

Complaints will be considered, and resolved, as quickly and efficiently as possible. We aim to acknowledge concerns and complaints within **three working days** of receipt and to respond fully, or with a holding reply, **within 10 working days**. It is not usually possible to deal with complaints during school holiday periods when the School Office is closed.

### The Formal Complaints Procedure

#### The Stages of Complaints

- **Stage one: Complaint Heard by Staff Member** (though not the subject of the complaint).

If it concerns the conduct of the Headteacher or a governor, it will be dealt with by the Chair of Governors; if it is a concern about the Chair of Governors or any individual governor this should be made by writing to the Clerk to the Governing Body.

It is in everyone's interest that complaints are resolved at the earliest possible stage.

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator can refer the complainant to another staff member. Where the complaint concerns the Headteacher, the complaints co-ordinator can refer the complainant to the Chair of Governors.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, they may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. Governors cannot act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

- **Stage two: Complaint made to and heard by Headteacher**

At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Complaints against the Headteacher will be dealt with by the Chair of Governors. Complaints against the Chair of Governors should go to the Clerk to the Governing Body and be dealt with by a Panel of Governors.

- After the matter has been investigated, using the checklist below, the complainant will be told by the Head/Chair, that consideration of their complaint is now concluded.
  - If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Headteacher/Chair is perverse, or that the Headteacher/Chair has acted unreasonably in considering the complaint, then the complainant may request that the Governing Body review the handling of the complaint by the Headteacher/Chair. Any such request must be made in writing within 2 weeks of receiving notice of the outcome from the Headteacher/Chair, and include a statement specifying any perceived failures.
- **Stage three: Complaint Heard by Governing Body's Complaints Appeal Panel**

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated governor, will convene a GB complaints appeal panel. The panel can be drawn from the governing body and may consist of three or five people. The panel may choose their own Chair.

The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions. Individual complaints would not be heard by the whole GB at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

### **The Remit of the Complaints Appeal Panel**

The panel can:

- 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.

### **Note:**

The appeal hearing is independent and impartial and it is important that it is seen to be so. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

We acknowledge that many complainants will feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel Chair will ensure that the proceedings are as welcoming as possible. Written material relevant to the complaint should be seen by all parties. The Chair should clarify at the start the essence of the complaint and endeavour to ensure that all parties retain a clear focus on the issues being discussed.

### **Notification of the Panel's Decision**

The Chair of the panel needs to ensure that the complainant is, within a reasonable timescale, notified of the panel's decision in writing, with the panel's response.

### **Checklist for a Panel Hearing**

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses, if any.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses, if any.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.