

# **St Gildas' Catholic Junior School**



*“Through our actions we will try to live as Jesus lived.”*

## **Complaints Policy**

**January 2014**

At St. Gildas' School we value the good relationships which have been built up over the years between parents and the school. We recognise the important contributions made by parents in the many areas of school life.

We are committed to achieving a caring atmosphere in school where understanding and mutual respect are fostered. We, therefore, rely on parents to work in partnership with us and to support us in achieving the highest standards.

Parents are encouraged to keep regular contact with the school to discuss their child's progress and to participate actively in our school community.

If parents have any concerns, they should, in the first instance, contact the Headteacher at the school who will discuss the situation and, if necessary, investigate the matter further. It is advisable to make an appointment so that sufficient time can be given to the discussion. We are always willing to listen to concerns and anxieties and feedback is always welcome.

Systems are in place to ensure good communication and that parents are kept informed. However, concerns may arise from misunderstandings or lack of information. It is, therefore, essential that discussion with the school takes place at the earliest possible opportunity so that clarification can be given and to avoid the escalation of the concern.

Action taken without due regard to these procedures, can prove to be damaging to the good relationships and trust built up between the school, parents and children.

Every effort will be made to resolve the concern informally. The procedures followed will ensure that all concerns will be investigated fully and fairly and that all aspects of the matter will be given proper consideration.

If, however, parents remain dissatisfied after all the procedures in school have been exhausted and the issues have not been resolved, the matter may then be the subject of a formal complaint and referred to the Governing Body.

## **The Formal Procedure**

### Principles

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.

### **This Complaints Procedure does not apply to:**

- 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.

## **Outline of the Procedure**

### **Stage 1**

In St. Gildas' School the Complaints Co-ordinator is the Headteacher, to whom all complains will be addressed in the first instance.

The Complaints Co-ordinator will either hear and address a complaint personally or, where appropriate, refer the matter to another member of staff. The co-ordinator will also keep records of each complaint and of action taken in regard to it (using the agreed proforma) so that the senior managers and governors of the school can be kept informed of all issues that arise and as a result can change or develop school practices if necessary or appropriate.

### **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 in Detail

### Stage 1 – Complaint Heard by Staff Member

**NB The aim is to resolve the complaint at this level.**

- 1.1 The complaint should be addressed in the first instance to the Complaints Co-ordinator. This may be done in person, by telephone or in writing. In small schools, the designated member of staff may have to be the Headteacher, in which case the procedure will start at Stage 2.
- 1.2 The Complaints Co-ordinator will log the complaint (See Appendix A) and either investigate the complaint personally or refer it to an appropriate member of staff. 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 complaint will be referred 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.
- 1.5 **Timescales.** Within ten 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 should be made to try to resolve the complaint at this meeting.** Any of the following may be appropriate at this point:
  - An acknowledgement 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.

**Some of the above may require that the investigator seek authority from the Headteacher. Naturally, nothing should be offered or promised that cannot be justified or fulfilled.**

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

## **Stage 2 – Complaint Heard by Headteacher**

(\*In small schools, this stage may be the start of the procedure – see 1.1)

- 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 ten school days of receiving the complaint, the investigator will report back to the Headteacher. Within a further three 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 LEA 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. Ideally, the make-up of the panel should reflect the make-up of the governing body and/or the profile of the pupils in the school. 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.

**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 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 panel, before the meeting. This is in the interest of fairness and natural justice. 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 panel must act as chair and there should be a clerk for the meeting.
- A member of the diocesan Department of Schools may be invited 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. It is very important that there should be nothing adversarial about the proceedings. The tone of the whole meeting will be set by the atmosphere of the room in which it is set and by the way people are greeted. Panel members should be sensitive to the vulnerabilities and sensitivities of all concerned. Everyone needs to remember that the aim and purpose of the meeting is to resolve the complaint and find ways of going forward together. It is possible that the complainant may not be satisfied with the outcome if the panel does not find in their favour, but the conduct of the meeting can go a long way towards smoothing such dissatisfaction. At the very least, 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 panel's decision. (The wording of any letters will be agreed with the chair of the 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 Department of Schools 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 panel operates in an open-minded and independent way;
- That time is given for all parties to consider any 'new' evidence.

### **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 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 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 panel within three 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 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.

### **3.11 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 the notes of the meeting and gives a copy to the chair of the 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.

### *Complaints Made to the DfE (Department for Education)*

**In unusual cases the Secretary of State may have the power to intervene if the governing body of the school has acted as no reasonable governing body would act. This intervention is very unlikely unless the whole of the school's own complaints procedure has been exhausted.**