

St Michael's Catholic Primary School
Procedures for Dealing with General Complaints

This policy closely follows the model policy dated September 2009 developed by the Diocesan Schools Commission and available on the DSC website.

1. RATIONALE

1.1 Catholic schools aim to be places where love of one's neighbour is obvious at all times. As St. John reports, Christ said to His disciples at the Last Supper "This is my commandment, that you love one another, as I have loved you".

1.2 Catholic schools are staffed by teachers who are not only qualified and expert in their own field but who also, having freely chosen to become teachers in a Catholic institution, commit themselves to care for and help children in every way possible consistent with Catholic doctrine, principles and the Catholic ethos of the school. Nevertheless, as in any organisation, parents may from time to time raise a concern.

1.3 The main purposes of the complaints procedure are:

- to resolve problems;
- to give parents a means to raise issues of concern and have them addressed.

2. GENERAL PRINCIPLES

2.1 Initial concerns

2.1.1 The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures.

2.1.2 In most cases a staff member will receive the first approach, as an expression of concern and it will be resolved.

2.2 Formal Procedures

2.2.1 The Governing Body's complaints procedure does not replace the arrangements for dealing with certain types of complaint that fall outside the remit of the Governing Body's complaints procedure. A number of other procedures already exist:

- Admissions Procedures;
- Child Protection Procedures;
- Curriculum Complaints Procedures;
- Staff Grievance and Disciplinary Procedures;
- Exclusions Procedures;
- Special Educational Needs Procedures;
- Procedures for querying public examination results.

2.2.2 Formal procedures only need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising concerns remains dissatisfied and wishes to take the matter further.

2.2.3 The member of staff with responsibility for the operation and management of the school complaints procedure is known as the school's 'complaints co-ordinator'.

2.2.4 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. It would be

useful if governors did not 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.

3. THE FORMAL COMPLAINTS PROCEDURE

3.1 Stage One - complaint heard by complaints co-ordinator

3.1.1 The complaints co-ordinator will seek to resolve the complaint by meeting with the complainant and investigating the complaint. This will be done with reference to the 'Guidelines for the Implementation of the Model Complaints Procedure'. (*appendix 1*)

3.1.2 Where the complaint concerns the headteacher, the complaints co-ordinator can refer the complaint to the chair of governors. The chair (or nominee) will then conduct Stage One.

3.1.3 Within 5 working days of the complaints meeting, the complaints co-ordinator (or other person who conducted the Stage One meeting), will send to the complainant a written 'Note of Meeting'. This will summarise the conclusions reached and inform the complainant that they may appeal the conclusions (i.e. take the complaint to Stage Two) if they wish, but if so must do so within 10 days of the Stage One meeting.

3.2 Stage Two - complaint heard by governing body's complaints appeal panel

3.2.1 The complainant needs to write to the clerk of governors giving details of the complaint. A complaints form is available from the school for this purpose (see appendix 2).

3.2.2 The clerk will convene a governing body complaints appeal panel.

3.2.3 The governors' appeal hearing is the last school-based stage of the complaints procedure, and is not convened to merely rubber-stamp previous decisions.

3.2.4 Individual complaints will not be heard by the whole governing body at any stage, as this could compromise the impartiality of any other panel set up under any other procedure.

3.2.5 The panel will consist of three members of the governing body, but the headteacher and chair of governors will not be members of this panel, which must be independent and seen to be impartial. The panel should elect their own chair.

3.3 Remit of the Complaints Appeal Panel

3.3.1 The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaints 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.

3.3.2 It is important that the appeal hearing is independent and impartial and 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.

3.3.3 The aim of the hearing, which will be held in private, will be to resolve the complaint, where appropriate, and achieve reconciliation between school and the complainant. However, it is recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour.

3.3.4 The panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. The panel chair will ensure that the proceedings are as welcoming as possible. Care will be taken to ensure that the layout of the room is informal and not adversarial in tone.

3.3.5 Governors sitting on the panel will have been informed about the school's complaints procedure and Diocesan Schools Commission guidance regarding its implementation.

3.4 Roles and responsibilities

3.4.1 The school will ensure the panel meeting will be clerked. The role of the clerk will be to:

- Ensure all parties have copies of the procedure
- set the date (within 20 working days), time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate all written evidence or other documentation for use at the hearing and names of any witnesses from all parties 10 working days in advance of the hearing
- collate all written material and send it to the parties 5 working days in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all the parties of the panel's decision, within 5 working days after the hearing.

3.4.2 The role of the chair of the panel will be to ensure:

- The remit of the panel is explained to the parties and each party has the opportunity to put their case without undue interruption;
- the issues are addressed;
- parents and others who may not be used to speaking at such a hearing are put at their ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- each side is given the opportunity to state their case and ask questions;
- written material has been supplied by all parties;
- if a related issue arises at the hearing it would be useful to give all parties the opportunity to adjourn to consider the related issue and then comment on it;
- new issues raised in the hearing should be dealt with separately from this panel meeting.

3.5 Checklist for panel hearing

3.5.1 The panel will take account of the following points:

- 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;
- 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;
- 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 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 (5 working days).

3.6 Notification of the panel's decision

3.6.1 The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with reasons clearly defined in plain English, within 5 working days of the meeting.

3.18 If any clarification concerning the letter is required the complainant may seek further advice from the chair of the panel.

3.19 In case the complainant is not satisfied that the complaints procedures were conducted properly and fairly, the letter will explain there is a further right to request an investigation by applying to the Director of Schools at the Diocesan Schools Commission, and provide the address. The letter must explain that such a request must be made within 10 working days of the hearing.

4 Additional Information

4.1 Additionally, if the complainant is not satisfied, since Wolverhampton is in a pilot scheme for responding to complaints about schools, parents and pupils can contact the Local Government Ombudsman (LGO) if they have an unresolved complaint where they feel that they have suffered injustice as a result of an act or omission of a "prescribed functions of a headteacher" or an act or omission of a governing body.

The LGO emphasises that if parents have any concern their first step should be to contact the school about this as soon as possible. Unless there are exceptional circumstances the LGO will not deal with the complaint unless the school has had the opportunity to consider it and respond.

The LGO advice team can be contacted on 0300 061 0614 or 0845 602 1983, or by email to advice@lgo.org.uk.

ARCHDIOCESE OF BIRMINGHAM DIOCESAN SCHOOLS COMMISSION

GUIDELINES FOR IMPLEMENTATION OF THE MODEL COMPLAINTS PROCEDURE

1. OVERVIEW

1.1 From 1 September 2003 Governing Bodies of all maintained schools are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires the procedures to be publicised.

1.2 The Governing Body's complaints procedure does not replace the arrangements for dealing with certain types of complaint that fall outside the remit of the Governing Body's complaints procedure (see 2.5). A number of other procedures already exist:

- Admissions Procedures;
- Child Protection Procedures;
- Curriculum Complaints Procedures;
- Staff Grievance and Disciplinary Procedures;
- Exclusions Procedures;
- Special Educational Needs Procedures;
- Procedures for querying public examination results.

1.3 These guidelines for dealing with complaints describe an internal code of practice for schools to adopt to help them operate effectively the Diocesan 'Model Complaints Procedure'. This guidance supports the operation of the model procedure; they do not form part of the Complaints Procedure itself.

1.4 Catholic schools aim to be places where love of one's neighbour is obvious at all times. As St. John reports, Christ said to his disciples at the Last Supper "This is my commandment, that you love one another, as I have loved you".

1.5 Catholic schools are staffed by teachers who are not only qualified and expert in their own field but who also, having freely chosen to become teachers in a Catholic institution, commit themselves to care for and help children in every way possible consistent with Catholic doctrine, principles and the Catholic ethos of the school. Nevertheless, as in any organisation, parents may from time to time raise a concern.

2. GENERAL PRINCIPLES

2.1 Dealing with complaints – Initial concerns

2.1.1 Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

2.1.2 The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in anyway undermine efforts to resolve the concern informally. In most cases staff members will receive the first approach, as an expression of concern. It would be helpful if staff were able to resolve issues on the spot, apologising where necessary, without any implication of negligence. The nature of the complaint needs to be carefully scrutinised to make sure that it is a matter that can be handled under the Complaints Procedure, and not a matter that would give rise to other procedures being used.

2.1.3 It is good practice for the member of staff dealing with any concern to keep brief contemporaneous notes, outlining the issue, contacts with the concerned person and any action taken, including any apology where necessary.

2.2 Dealing with concerns – Formal procedures

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

2.2.2 It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To that end, if all staff are made aware of the procedures, they know what to do when they receive a complaint and understand the importance of treating complainants and complaints respectfully.

2.2.3 Action through a complaints procedure may lead to action being initiated under other procedures for example, disciplinary or child protection procedures (see 1.2). In these cases if on further investigation another procedure is more appropriate, this will then be enacted and the publicised Complaints Procedure will not be initiated. However, if the Complaints Procedure has begun it will be suspended. The complainant should be advised if this is the case and also informed of the likely delay in the final resolution of their complaint.

2.2.4 If the complaint is about misconduct of a member of staff, the parent should be informed at an early stage that should any disciplinary action be taken, then that would be a confidential personnel matter. The complainant would be informed that the complaint had been superseded by a disciplinary procedure and that it would not be possible to inform the complainant of any sanction imposed.

2.2.5 Schools are advised to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'complaints co-ordinator'. The complaints coordinator should be the headteacher or if this is not possible the headteacher's nominee.

2.2.6 Where the headteacher is the subject of a complaint the procedures need to be modified accordingly. The complaint would be referred to the chair of governors. Advice can be sought from the Diocesan Schools Commission.

2.3 Framework of principles

2.3.1 An effective complaints procedure will:

- 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.

2.4 Investigating complaints

2.4.1 It is suggested that at each stage, the person investigating the complaint makes sure that they:

- understand the procedures for dealing with complaints;
- treat the complainant and the complaint respectfully;
- practise good listening skills;
- 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;
- obtain the complainant's acknowledgement that their problem has been dealt with satisfactorily where possible;
- keep notes of the interview and the action taken.

If the investigator needs to interview children, they will need to consider whether the circumstances merit contacting the parents before the interview or perhaps notifying the parents after the interview. If parental presence is not required, it may in some circumstances still be advisable for any statements taken to be witnessed by another adult. Such matters are for the professional judgement of the investigator.

2.5 Resolving complaints

2.5.1 Not all complaints can be resolved to the satisfaction of the complainant. For example, there will be occasions, when after investigation, the staff member has been seen to act appropriately and reasonably. Therefore, it is possible that a complaint may not be upheld.

2.5.2 At each stage in the procedure schools will want to keep in mind ways in which, where appropriate, 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 taken to ensure it will not happen again;
- an undertaking to review school policies in the light of the complaint.

2.5.3 It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same thing as an admission of negligence.

2.5.4 An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

2.5.5 Where complaints cannot be resolved within the relevant stage of the procedure, complainants will be informed of what they can do next.

2.6. Vexatious complaints

2.6.1 If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to re-open the same issue, the chair of the governing body is able to inform them in writing that the procedure

has been exhausted and the matter is now closed. If parents make repeated complaints that appear to be vexatious the school is encouraged to seek advice from the Diocesan Schools Commission.

2.7 Time limits

2.7.1 Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits, written in the procedure, for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

3. THE FORMAL COMPLAINTS PROCEDURE

3.1 The stages of complaints

3.1.1 An efficient school complaints procedure will have well-defined stages with set time frames. At any stage of the procedures, where complaints cannot be resolved, complainants will be advised what they can do next and any time limit.

3.1.2 In most cases informal discussion will resolve a matter of concern, so schools should encourage this first before encouraging recourse to the formal complaints procedure.

3.1.3 In drawing up a school complaints procedure, two school-based stages are likely to be sufficient for most schools:

- Stage One: complaint heard by complaints co-ordinator;
- Stage Two: complaint heard by governing body's complaints panel.

3.1.4 The panel may consist of between three to five governors representing a cross section of the different categories of governor, but the headteacher and chair of governors should not be members of this panel, which must be independent and seen to be impartial. The panel should elect their own chair.

3.1.5 Regardless of how many stages the school chooses, an unsatisfied complainant can always take a complaint to the next stage. The procedures should allow for an additional stage:

- Stage Three: complaint process investigated by the Diocesan Schools Commission.

4. MANAGING AND RECORDING COMPLAINTS

4.1 Recording complaints

4.1.1 A complaint should preferably be made in writing. If a concern, discussed face to face or on the telephone, cannot be resolved and becomes a complaint then the complaint should be formalised in writing.

4.1.2 At the end of a discussion, either face to face or on the telephone, the member of staff should try and ensure that the complainant and the school share the same understanding of what was discussed and agreed.

4.1.3 It is good practice to keep a brief note of meetings and telephone calls. Any written response made by the school should be added to the record. It can be useful to record and keep note of the following information:

- name of complainant;
- address / telephone number of complainant;
- nature of complaint;
- preferred solution;
- name of person recording the complaint;
- date complaint recorded.

4.1.4 The complaints co-ordinator should be responsible for the records and hold them centrally.

4.2 Governing body monitoring of the complaints procedure

4.2.1 The governing body can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole governing body should not name individuals.

4.2.2 As well as addressing an individual's complaints, the process of listening to, and resolving complaints should contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the governing body can be a useful tool in evaluating the school's fulfilment of its mission and its performance.

4.3 Outcomes of the process

4.3.1 In all cases where a complaint has been investigated, the complainant will be informed of the findings in writing.

4.3.2 Where the complaint has been investigated by the governing body's complaints appeal panel the chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing. In case the complainant is not satisfied that the complaints procedures were conducted properly, the letter should advise the complainant of the right to appeal to the Director of Schools, at the Diocesan Schools Commission. The letter should include the time limit for any such appeal.

4.3.3 Redress should be appropriate to the complaint [see section 2.8]. The school should ensure that any agreed preventative or remedial action is carried out.

4.4 Publicising the procedure

4.4.1 There is a legal requirement for the Complaints Procedure to be publicised. It is up to the governing body to decide how to fulfil this requirement. Copies of the complaints procedure should be made available in school. Schools may choose to publish an explanatory leaflet or guidance specifically for parents /guardians. Schools should at least make mention of the procedures in:

- the school prospectus;
- documents supplied to community users including course information or letting agreements;
- the school website.

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Diocesan Schools Commission

Reviewed by JNCC

Diocesan Schools Commission

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See website for address *Appendix 2*

