



# **FORMAL COMPLAINTS POLICY**

**St John's Catholic Comprehensive  
School**

**STATEMENT**

Excellence for All  
Service to Others  
Inspired by Christ

*This Policy was adopted by the Strategy Team*

*Date: January 2019*

*Next Review date: January 2022*

The Governors are committed to following a fair and transparent complaints procedure.

All complaints are handled in line with all current legislation and in accordance with the Catholic ethos of the school.

The Governors and school ensure the following:

- All dealings follow the Complaints Procedure outlined in the Guidance to Governing Bodies on the Management of School Complaint Procedures produced by the Archdiocese of Southwark Commission for Schools and Colleges.
- All Governors are aware of the school procedures relating to complaints.

The school has a procedure that ensures the following:

- all interested parties have access to a copy of the complaints procedure

The Clerk to the Governing Body ensures that all Governors have access to a copy of the above document.

## **COMPLAINTS PROCEDURE**

### **Stage 1 Complaint heard by a member of staff**

- 1.1 The complaint can be made in writing, over the telephone or in person and should be addressed to the complaints coordinator who will log the complaint (see Appendix 1 for sample record form) and either investigate the complaint personally or refer it to an appropriate member of staff.
- 1.2 The Complaints coordinator will acknowledge receipt of the complaint by replying in writing within five school days giving the name of the member of staff investigating the complaint.
- 1.3 If the complaint concerns the Headteacher or a member of the governing body it should be referred to the chair of governors and the Headteacher or governor should be informed. If the complaint concerns the chair of governors it should be referred to the vice chair and the chair informed.
- 1.4 The appropriate member of staff should investigate the complaint (see appendix 2 for guidelines on investigating complaints).
- 1.5 The investigation should be completed within ten school days of receiving the complaint. There may be occasions when more time is needed. If this is the case, the complainant should be informed immediately and within the ten school days' timescale. The complainant should be given the reasons why more time is necessary with an approximation of the number of extra days required.
- 1.6 Within three days of the completion of the investigation, the investigator will contact the complainant to arrange a meeting.
- 1.7 The purpose of the meeting with the complainant is to assure them that the investigation has been thorough and fair and to make every effort to reach a resolution. (See Appendix 3 for possible resolution outcomes).

- 1.8 If a resolution has been reached, the complaints coordinator should be informed and a letter confirming this should be sent by the complaints coordinator to the complainant.
- 1.9 If the complaint cannot be resolved, the complaints coordinator should be informed who will then write to the complainant informing them of their right to refer the complaint to stage 2.

### **Stage 2 Investigation by the Headteacher**

(In very small schools this may be the start of the procedure)

- 2.1 If the complaint remains unresolved after stage 1, it will be referred to the Headteacher unless the complaint concerns the Headteacher or governor in which case it will be referred to stage 3.
- 2.2 The Headteacher may investigate the complaint personally or appoint a more appropriate senior member of staff, or arrange for an independent investigation in which case the complainant should be notified of the name of the person.
- 2.3 In referring the complaint to this stage, it may now contain dissatisfaction at how it was managed in the first stage, in which case, both parts need to be investigated.
- 2.4 The complaint will be investigated (see Appendix 2).
- 2.5 The investigation should be completed within ten school days of the complaint being referred to this stage. There may be occasions when more time is needed and if this is the case the complainant should be informed immediately and within the ten school days' timescale. The complainant should be given reasons why more time is needed with an approximation of the number of extra days.
- 2.6 Within three days of the completion of the investigation, the Headteacher will contact the complainant to arrange a meeting.
- 2.7 The purpose of the meeting with the complainant is to ensure them the investigation has been thorough and fair and to make every effort to reach a resolution (see Appendix 3 for possible resolution outcomes).
- 2.8 If a resolution has been reached the complaints coordinator should be informed and a letter confirming this should be sent by the complaints coordinator to the complainant.
- 2.9 If the complaint cannot be resolved, the complaints coordinator should be informed who will then write to the complainant informing them of their right to refer the complaint 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. Governing bodies should consider appointing more than three from whom three may be appointed to hear a particular complaint. This guards against not having a panel if one of only three governors appointed has prior involvement in or detailed knowledge of the complaint.

- 3.2 The complainant must put the complaint in writing to the chair of governors also giving reasons why they have been dissatisfied with the outcomes of the first two stages. The chair will check that the procedures have been followed correctly up to this point and then arrange for a meeting of the governing body 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 arrange for the panel to meet.
- 3.3 The date of the meeting should be agreed between all parties within five school days from receipt of the written referral of the complaint to stage 3 and must take place within fifteen school days of receipt.
- 3.4 The clerk to the governors will manage all administration for the meeting.
- 3.5 If the complainant or Headteacher wishes to submit information in writing to the meeting it should reach the clerk at least five school days before the meeting.
- 3.6 The timescale may be altered with agreement of all parties if the referral to stage 3 comes at the end of term particularly the summer term. It will be in everyone's interest not to delay the meeting to the start of the next term since the aim of the procedure is to resolve issues as soon as possible to effect reconciliation.
- 3.7 Before the meeting takes place, all parties should be given details outlining
  - The purpose of the meeting\*
  - The conduct of the Meeting\*
  - The order of the meeting\*
  - The role of the clerk\*
  - The role of the chair of the panel.\*

\*(See Appendix 4 The management of the governing body complaints Appeal panel meeting)  
The clerk will inform the complainant of the decision reached by the panel within five calendar days of the meeting. The letter should also state this was the final stage of the complaints procedure and there is no further appeal.

## **Appeals**

There is a right to appeal to the Local Government Ombudsman if a parent is unhappy with the way the school has dealt with a complaint. To complain to the Ombudsman, telephone the Advice Team on 0300 061 0614 or 0845 602 1983 (8.30am to 5.00pm, Mondays to Fridays).

## **Vexatious complaints**

If the complainant remains dissatisfied with the outcome of the Complaints Appeal Panel meeting and attempts to reopen the issue, the chair of governors will inform them in writing that the complaint has been heard according to the published procedures and that the matter is now closed.

**Appendix 1**  
**Example of Complaint Record to be completed by the Complaints Co-ordinator**  
**(To be used for stages 1 and 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):**

## **Appendix 2**

### **Guidelines on investigating complaints**

It is important to the complainant and to anyone concerned in the complaint that the investigation is impartial, thorough and fair. It is also important that everyone concerned is able to feel they have been listened to and have been able to make their contributions to the process.

The investigating person should:

- establish the exact nature of the complaint (the complainant may need to be contacted if there is any uncertainty. The investigation should not proceed until there is absolute clarity);
- establish what has happened so far and who has been involved;
- clarify what the complainant feels would put things right, clearing up any areas of misunderstanding and identifying ways forward;
- interview those involved in the matter and/or those named in the complaint, ensuring they are aware of the exact details of the complaint and allowing them to be accompanied if they wish;
- conduct all interviews and investigations with an open mind (the appointed person should continue with the investigation until they are sure that they have all the necessary detail to come to a fair conclusion even if it means interviewing people more than once);
- keep full notes with times and dates;
- make sure all information has been collated before arranging the meeting with the complainant;
- seek assistance by means of independent investigators if this is necessary (permission must be obtained from the complaints coordinator if another person is investigating);
- give a summary of the investigation to the complainant at the meeting called to reach a resolution;
- give reasons for the decision reached;
- give copies of all notes from the investigation and the meeting with the complainant to the complaints coordinator.

## Appendix 3

### Examples of resolution outcomes

Before the investigating person meets with the complainant, it is important that she/he is satisfied that the investigation has been impartial, thorough and fair and that the summary explained to the complainant is able to demonstrate this clearly. If an independent investigator has been used for all or part of the investigation, it is important to explain the reasons to the complainant.

The complainant should be informed of the decision reached by the investigator giving reasons and evidence as to why the decision was reached. Every effort should be made to reach a resolution at this meeting. Any of the following may be appropriate:

- an acknowledgement that a complaint is valid in whole or in part (if this is the case the investigator should refer to the part of the investigation where the complainant was asked what they feel would put things right);
- an apology;
- an explanation;
- a clarification of misunderstandings;
- an admission that the situation could have been handled differently or better;
- an assurance that, as far as is possible, the event complained of will not happen again.
- an explanation of the steps to be taken to ensure that it will not happen again;
- an undertaking to review the school policies in light of the complaint.

Some of the above may require that the investigator seeks authority from the Headteacher or, in the case of the Headteacher investigating, the governing body.

The investigator may come to the decision the complaint is unfounded. If this is the case, the investigator should ensure that the evidence from the investigation confirms this beyond reasonable doubt. The investigator must be sensitive to the complainant's feelings and should make them aware that they had a right to bring their concerns to the attention of the school and if the complaint arose from a misunderstanding to explain how this might have occurred and clarify the area from which the misunderstanding arose.

## **Appendix 4**

### **The Management of the Complaints Appeal Panel Meeting.**

#### **The purpose of the meeting**

The purpose of the meeting is to:

- hear a complaint which remains unresolved at the previous two stages;
- ensure the procedure has been followed correctly;
- act as an independent arbiter of the complaint;
- come to a decision;
- determine an appropriate response.

#### **The Conduct of the meeting**

Only members of the governing body appointed at a full governing body meeting may sit on the complaints appeals panel.

Documentation received before the meeting should have been read but treated as confidential and should not be discussed with anyone else including other members of the panel.

Schools which contract with their LEA may have an advisor present whose role is to advise and support the panel so that they come to a just decision. The LEA advisor does not represent the panel nor is party to the decision made.

The meeting should be held in private where there will be no interruption.

The layout should be informal.

One of the panel should act as chair and there should be a clerk present to ensure an accurate record of the meeting.

Either the chair or clerk should brief the panel before the meeting begins, bearing in mind people's sensitivities and emotions. For some parents, it will be the first time they have experienced such a scenario and will be overawed by the occasion. The Headteacher who leads the school and members of staff who are named in the complaint will feel that their professionalism, and in some cases, their honesty and integrity are under attack. Panel members should be reminded the aim of the meeting is to find a just resolution to the complaint.

Special care must be taken if the complainant is a child or if children are called as witnesses. Children should be accompanied by a responsible adult of their choice. It is important to note that children's evidence may not be as articulate as that given by adults but nevertheless must be given equal consideration. If a parent has complained on behalf of a child, it is up to the parent to decide which parts of the meeting the child attends.



The complainant and any person who is the subject of a complaint may be accompanied by a friend at the meeting.

The clerk should arrange for appropriate support where the complainant does not use or understand English sufficiently or has special needs.

### **The order of the meeting**

Welcome, introduction and explanation of the meeting by the chair.

The chair reminds all parties that this is the final stage in the school procedure and the decision made is final. There is provision for the complainant to refer the matter to the Local Government Ombudsman.

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 invited to speak. The Headteacher may then question them. The panel may question them. In each case the witness must leave after giving their "evidence".

The Headteacher is invited to explain the school's actions.

The complainant may question the Headteacher.

The panel may question the Headteacher.

If there are any witnesses for the school, they are treated in exactly the same way as witnesses for the complainant.

When the chair is sure all parties have been able to present what, they intended, and have asked all they need to, the complainant is invited to sum up their complaint.

The Headteacher is then asked to sum up the school's actions and responses to the complaint.

The chair asks all parties if they feel they have had a fair hearing and reminds them that this is the final stage of the procedure.

The chair explains that they will consider impartially, all the submissions and documentation presented at the meeting and will inform the complainant and the school of their decision, in writing, within five calendar days.

Both parties are invited to leave the meeting at the same time.

If an LEA advisor is present she/he may advise the panel at this stage and leave the meeting before the panel comes to its decision.

The panel must consider all the submissions made and may:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to take in order to resolve the complaint;
- recommend changes to the school's systems, policies or procedures to ensure that problems of a similar nature do not recur.

After the hearing the chair and clerk agree the wording of the letter to both parties. The letter should be sent to both parties, using first class post, at the same time within five calendar days of the meeting.

The clerk writes up notes of the meeting and gives a copy to the chair of the panel.

The clerk ensures that any recommendation to change systems, policies or procedures is put on the agenda for the next full governing body meeting.

### **The role of the clerk**

The clerk will:

- confirm in writing to all parties the date, time and location of the meeting enclosing details of the order of the meeting;
- receive, copy and distribute any documentation to be read before the meeting;
- record the proceedings;
- notify all parties of the panel's decision within five calendar days of the meeting in wording agreed with the chair of the panel;
- write up notes of the hearing and send a copy to the chair of the panel.

### **The role of the chair of the panel**

The chair will:

- ensure that procedures are followed correctly;
- explain the procedures for the hearing to all parties;
- ensure that all parties are able to put forward their case without undue interruption;
- ensure that the issues are addressed adequately and impartially;
- make every effort to put all parties at their ease, especially those who may not be accustomed to speaking at such a hearing;

- manage proceedings so they are kept as informal as possible and that everyone treats each other with respect and courtesy;
- ensure that the panel operates and is seen to operate in an open-minded and independent way;
- ensure that reasonable time is given to all parties to present their case;
- ensure that all parties are given adequate time to consider “new evidence”;
- make every effort to ensure all parties have been given a fair hearing.