



# St Augustine's Catholic College

## Complaints Policy & Procedure

### **Policy Statement**

St Augustine's Catholic College prides itself on the quality of teaching provided for its pupils. However, if parents have concerns they can expect any issues to be treated seriously by the school in accordance with this policy document.

The Complaints Policy and Procedure has been created to deal with any complaint against a member of staff or the school as a whole, relating to any aspects of the school or the provision of facilities or services, other than matters relating to admissions and exclusions which have their own processes.

A complaint can be brought by a parent/carer/guardian of a registered child at the school. This person is referred to as the complainant.

Schools may have a nominated member of staff with responsibility for the operation and management of the school complaints procedure. This member of staff may not necessarily be the Head Teacher.

Even when a complaint has been made, it can be resolved or withdrawn at any stage.

### **Aims**

St Augustine's Catholic College will:

- Encourage the resolution of problems by informal means wherever possible.
- Allow swift handling with established time-limits for action and keep complainants informed of any progress.
- Ensure a full and fair investigation by an independent person where necessary.
- Respect people's desire for confidentiality where possible.
- 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.

### **Dealing with complaints and concerns:**

- The school recognises that a vast majority of complaints and concerns can be resolved informally, in accordance with stage 1 below using the complaints form in appendix 1.
- Generally, it is expected that where the matter relates to a student it will have been raised with the student's Form Tutor and Head of Year before a request is made to deal with it formally.
- It is a precondition to the operation of this policy that the complainant shall have made reasonable attempts to seek an informal resolution and shall have acted in relation to the matter in a reasonable and measured way. The Chair of Governors shall have discretion, which will be exercised reasonably, not to allow a complaint to be pursued where this precondition has not been met.

## **Monitoring and recording complaints**

At all stages of the formal complaints procedure, the following information should be recorded:

- Name of the complainant
- Date and time at which the complaint was made
- Details of the nature of the complaint
- Desired outcome of the complainant
- How the complaint is being investigated (including written records of any interviews held)
- Results and conclusions of investigations
- Any action taken as a result of the complaint (regardless of whether it was upheld)
- Further responses from the complainant
- Any subsequent action if required
- The stage at which the complaint was resolved

## **Confidentiality**

Correspondence, statement and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 requests access to them.

## **Special circumstances**

- If the complaint suggests that a child has been at risk of harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to the children's social care and/or to the social services authority for the area in which the child lives, in accordance with the school's safeguarding procedures.
- If children's social care decides to investigate a situation, this may postpone or supersede investigation by the Head Teacher or governing body.

## **Complaints Procedure Stage 1 - Complaint heard by staff member (informal resolution)**

- Parent/carer/guardian discusses their concern with the child's Form Tutor or Head of Year or, if they prefer, another member of the school's teaching staff.
- Where the complaint concerns the Head Teacher, the member of staff can refer the complainant to the chair of the governing body.
- If the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them on the complaints procedure.
- Governors should not act alone 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.
- If a resolution cannot be sought at this level, or the complainant is dissatisfied with the outcome of these initial discussions, then the parent/carer/guardian may wish to escalate the complaint to the next level of the procedure, using the complaints form in appendix 2.

## **Stage 2 - Complaint heard by Head Teacher (formal resolution)**

- The complainant must put the complaint in writing using the complaints form in appendix 2, addressed to the Head Teacher, setting out briefly the facts and stating what it is that the complainant considers should have been done or where the school has not met reasonable expectations.
- The Head Teacher may delegate the task of collating investigating the complaint to another member of the senior leadership team but not the decision on the action to be taken. The investigator may offer the complainant a meeting.
- If the complaint is against a member of staff, the investigator should talk to the staff member against whom the complaint has been made. If necessary, the investigator should interview witnesses and take statements from those involved.
- The investigator should keep reasonable written records of meetings, telephone conversations and other documentation.
- The Head Teacher will communicate findings and/or resolutions to the complainant in writing.
- Stage 2 should be completed within 15 school days. However, it is recognised that where the case is complex, it may prove difficult to meet this time constraint. In such cases, the Head Teacher will write to the complainant giving a revised target date.
- If the parent/carer/guardian is not satisfied with the outcome at this stage, the complaint can progress to the next level for an independent review by the governing body panel.
- If the concern or complaint is against the Head Teacher, in the first instance the complainant will need to write in confidence to the Chair of the Governing Body at the school. The chair will seek to investigate the issue in the same way as outlined in stage 2 above before, if necessary, moving to Stage 3.

## **Stage 3 – Complaint heard by governing bodies' complaints appeal panel (CAP) (formal resolution)**

- Complaints at this stage should be made in writing and addressed to the clerk to governors no later than 10 school days following receipt of a Stage 2 outcome. The chair of governors, or a nominated governor, will convene a governing body CAP.
- Written acknowledgement of the complaint will be made, within 3 school days, informing the complainant that their complaint will be heard within 20 school days.
- The CAP will consist of three people who were not directly involved in the matters detailed in the complaint. One of these people will be independent from the management and running of the school.
- CAP will be arranged with 3 members of the governing body and the complainant 5 days' notice will be given to all attending. The HR Manager of the CAP should write to the complainant to explain how the review will be conducted. The letter should be copied to the Head Teacher.
- At the meeting everyone's case will be put across and discussed. The CAP should reconsider the issues raised in the original complaint and not confine themselves to consideration of procedural issues.
- The meeting should allow for:
  - The complainant to attend and be accompanied by a friend; legal representation will not be allowed.
  - The complainant to explain his or her complaint and the Head Teacher to explain the reasons for his/her decision.

- The Head Teacher to question the complainant about the complaint and the complainant to question the Head Teacher.
  - The CAP to have an opportunity to question both the complainant and the Head Teacher.
  - Any party to have the right to bring witnesses (subject to the approval of the chair of CAP) and all parties to have the right to question all the witnesses.
  - A final statement by the Head Teacher and complainant.
- The panel will make findings and recommendations and a copy of those findings and recommendations will be:
    - a) Provided to the complainant within 15 school days of the CAP and, where relevant, the person complained about; and
    - b) Available for inspection on the school premises by the academy trust and Head Teacher
  - 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.
    - The decision of the CAP is final

There are several points which any governor sitting on a complaints panel needs to remember which are at Appendix 3.

## Appendix 1: Complaints Form – Stage 1

Please complete and return to Form Tutor or Head of Year, who will acknowledge receipt and explain what action will be taken.

|  |  |
|--|--|
| Your name:   |  |
| Pupil's name:  |  |
| Your relationship to the pupil:  |  |
| Address:   |  |
| Postcode:  |  |
| Email Address:   |  |
| Daytime telephone number:  |  |
| Evening telephone number:  |  |
| Details of your complaint:   |  |
| What action, if any, have you already taken to try and resolve your complaint? |  |
| What action do you feel might resolve the problem at this stage?               |  |
| Are you attaching any paperwork? If so, please give details.                   |  |
| Signature:   |  |
| Date:  |  |
| <b>Office use only</b>   |  |
| Date acknowledgement sent:   |  |
| Acknowledgement sent by:   |  |
| Complaint referred to:   |  |
| Date:  |  |

## Appendix 2: Complaints Form – Stage 2

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Head Teacher (If your complaint is against the Head Teacher you will need to send the form to the Chair of the Governing Body).

|   |           |
|---|-----------|
| Name:   | Address:  |
| Pupil's name:   |           |
| Pupil's date of birth:  |           |
| Daytime telephone number:   |           |
| Evening telephone number:   |           |
| Email:  | Postcode: |
| What is your complaint concerning, and what action would you like the Head Teacher to take? |           |
| When did you discuss your concern/complaint with the appropriate member of staff?           |           |
| What was the result of the discussion?  |           |
| Signed:   | Date:     |

### **Appendix 3: Points for Governors sitting on a Complaints Appeal Panel**

- 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. In deciding the make-up of the panel, governors need to try and ensure that it is a cross-section of the categories of governor and sensitive to the issues of race, gender and religious affiliation.
- The aim of the hearing, which must 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 that the complainant might not be satisfied with the outcome if the hearing does not conclude in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his/her complaint has been taken seriously.
- An effective panel will acknowledge that many complainants 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. The layout of the room will set the tone of the hearing and care is needed to ensure the setting is informal and not adversarial.
- Extra care must be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- The governors sitting on the panel need to be aware of the complaints procedure.

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

Schools are strongly advised that any panel or group of governors considering complaints should be clerked. The clerk is the contact point for the complainant and is required to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties, and that the venue and proceedings are accessible.
- Collate any written material and send it to the parties in advance of the hearing.
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings in writing.
- Notify all parties of the panel's decision.

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

- The chair of the panel has a key role. They must ensure that:
- The remit of the panel is explained to all parties and each party has the opportunity to put their case forward without undue interruption.
- The issues are addressed.
- Key findings of fact are made.

- Parents and others who may not be used to speaking at such a hearing are put at 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 party is given the opportunity to state their case and ask questions.
- Written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

*Approved: 2017*

*Reviewed: 2019*

*Review: 2021*