

St Philip's School Complaints Procedure

To be implemented only for concerns which are too serious to be handled by an informal approach by the Headmaster, perhaps needing greater investigation or when the complainant feels that the answers given so far have been unacceptable or inadequate.

The Formal Procedure

At every stage of the formal procedure, the handling of the complaint will be:

- non-adversarial
- swift (using agreed time limits)
- fair (using independent investigation where necessary)
- confidential

Throughout the process, the school will be willing

- to listen
- to learn
- to admit mistakes
- to apologise if appropriate
- to address any issues raised
- to change school practice if appropriate

In using this procedure:

- staff are asked to be aware that complainants may feel intimidated by the school as an institution and unsure whether they will be treated fairly
- complainants are asked to be aware that those complained about, especially individual members of staff, may feel very vulnerable during this process.

Throughout the procedure, therefore, 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. However formal or serious the complaint, or however dissatisfied the complainant, the aim will always be reconciliation between all parties and a renewed commitment to work together amicably. The gospel values of justice and forgiveness should always underpin the entire process.

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 headmaster of 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

There are two stages to the formal procedure:

Stage 1

Complaint Heard by the Headmaster.

- 1.1 The complaint should be addressed to the Headmaster. This may be done in person, by telephone or in writing.
- 1.2 The Headmaster 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.
- 1.3 In conducting the investigation, the investigator 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 with 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.
- 1.4 **Timescales:** within ten school days of receiving the complaint the investigator will report back to the headmaster (where appropriate). Within a further three school days the headmaster will contact the complainant and arrange a meeting. At any point in the process, the headmaster may decide or agree to commission a further investigation, whether by another senior member of staff or a governor or an independent person (e.g. from the diocese 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.
- 1.5 **When the investigation is complete,** the headmaster 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 following suggestions 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 the light of the complaint.

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

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

Stage 2

Complaint heard by the Governing Body's Complaints Appeal Panel.

- 2.1 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 at 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.
- 2.2 To trigger Stage 2, the complainant will have been dissatisfied with the school's approach to the complaint in the first stage and must now put the complaint in writing to the chair of governors. The chair will check what has happened to far, and if the procedure has been properly followed and it is appropriate to move to Stage 2, he or she, or a nominated governor, will – via the clerk – convene a Governing Body's Complaints Appeal Panel.
- 2.3 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, organize 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.
- 2.4 **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 headmaster 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.

Meeting of the Governing Body's Complaints Appeal Panel

2.5 **Before the meeting:** Members of the panel should consider carefully any documentation from the headmaster 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 interests of fairness and natural justice. The appeal panel must operate scrupulously as an independent arbiter of the complaint.

2.6 **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 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. Parents may be emotional when talking about their child; the headmaster and others involved in the earlier investigations may fear that their professionalism could be under attack. 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.

2.7 **Role of the Clerk.** The Clerk will:

- Confirm to all parties in writing the date, time and venue of the hearings;
- 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.)

- 2.8 **Role of the Chair of the Panel.** The chair will ensure:
- That the procedure is properly followed (with the support of the diocesan Department for 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 the time is given for all parties to consider any ‘new’ evidence.
- 2.9 **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 headmaster 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 headmaster may question them, and then the panel may question them. In each case, the witness may leave after their ‘evidence’.
 - The headmaster 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 headmaster 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).
- 2.10 **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.
- 2.11 **After the Hearing.** The following actions need to be taken:
- The chair of the panel agrees with the clerk the working 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.

2.12 **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.

Appendix A **COMPLAINT RECORD FORM**

Part A RECORD OF COMPLAINT

Complainant's Name:

Address:

Telephone:

Details of 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):

Date of formal meeting with the complainant:

Outcome of the Meeting:

GENERAL POINTS

Using and Publicising the Procedure

The governing body needs to adopt the procedure formally and then to review and readopt it annually. They also need to ensure that staff are confident in its use and that it is appropriately publicised to all interested parties, especially parents. It could be included in the school prospectus, sent out with a newsletter or placed in the school's website.

Recording and Reporting Complaints

In order to turn complaints to positive effect, it is important that records are kept so that at regular intervals (perhaps termly) both the senior managers of the school and the governing body can reflect on issues that have arisen and on the way in which they have been handled. The complaints co-ordinator is the most obvious person to hold these records and to collate them into a report for the headmaster (if he or she is not the co-ordinator) and the governing body. Such a report could be a valuable self-evaluation tool. The governing body may also wish to consider reporting to parents any changes which have been made to the school's procedures as a result of parental feedback. (It need not be specified that the feedback was in the form of a complaint!)

Complaints Made Other Than in Accordance with the Procedure.

Sometimes a complainant may be unfamiliar with, or unaware of, the complaints procedure; sometimes they may choose to take their complaint straight to governors or to other parties. In every such case, the procedure must be strictly adhered to, and the complaint re-directed to its proper stage in the procedure. It is, therefore, important that all members of staff and all governors are fully aware of the procedure and that it is publicly available. It is particularly important that governors know that they must not attempt to deal with complaints themselves, but should tell complainants to take their complaint to the school's complaints co-ordinator.

Complaints Made to the DfES

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 is very unlikely to be the case unless the whole of the school's own complaints procedure has been exhausted.