

# **St Peter's Catholic Voluntary Academy Trust**



## **Complaints Procedure**

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## **Context:**

St Peter's holds Voluntary Academy rather than Community School Status. As such, the Governing body of St Peter's School has jurisdiction over complaints and related issues rather than the Local Authority.

## **Introduction:**

The Governors are committed to ensuring that the highest standards are maintained at the School both in the provision of education to Students and in every other aspect of the running of the School. A complaint procedure is an important part of the management of a well-run school allowing Parents/Carers the opportunity to voice any concerns they may have through appropriate channels. This procedure has been adopted by the Governing body to ensure a systematic and fair approach to the resolution of such concerns.

Complaints relating to the curriculum should be addressed under the separate Curriculum Complaints Procedure and any complaints by staff should be addressed under the School's Grievance Procedure. Certain other areas have specific statutory procedures and include Admissions to School and Exclusions from School.

This procedure is designed to allow Parents / Carers of registered Students at the School a means of making complaints which they can be confident will be addressed properly.

A complaint may result in disciplinary action by the School against a member of staff, which would be confidential between that member of staff and the School. Parents/Carers will otherwise be kept fully informed of the handling of any complaint. Any complaint will be kept confidential, unless it is necessary to involve other parties, and will be dealt with as quickly as possible.

In general, a complaint should be addressed in writing to the Headteacher although it is expected that attempts will be made to resolve difficulties informally with the Class Teacher, Head of Year or Tutor before being referred to the Headteacher. The informal stage of the procedure should be exhausted before the matter is referred to the formal stage. If any substantial complaint is received by a member of staff it should be referred to his/her Line Manager or the Headteacher as appropriate if it cannot immediately be resolved by the member of staff to the satisfaction of the Parent/Carer.

## **Part 1: General Principles**

### *Dealing with Complaints – Initial concerns*

1. There needs to be clarity 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. These key messages deal with complaints but 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 any way undermine efforts to resolve the concern informally. In most cases the Teacher/Tutor or the individual delivering the service in the case of extended provision, will receive the first approach. Staff will do their best to resolve issues on the spot, including apologising, where necessary.

### *Dealing with Complaints – Formal procedures*

3. Formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.
4. The Headteacher will be the person responsible in the first instance for dealing with complaints.

### *Framework of Principles*

5. This Complaints Policy aims to be effective by:
  - encouraging resolution of problems by informal means wherever possible;
  - being easily accessible and publicised;
  - being simple to understand and use;
  - being impartial;
  - being non-adversarial;
  - allowing swift handling with established time-limits for action and keeping people informed of the progress;
  - ensuring a full and fair investigation by an independent person where necessary;
  - respecting confidentiality;
  - addressing all the points at issue and provide an effective response and appropriate redress, where necessary;
  - providing information to the Senior Leadership Team so that services can be improved.

### *Investigating Complaints*

6. At this initial stage the Headteacher will make sure any investigation:
  - establishes what has happened so far, and who has been involved;
  - clarifies the nature of the complaint and what remains unresolved;
  - meets with the Complainant or contact them (if unsure or further information is necessary);
  - clarifies what the Complainant feels would put things right (if necessary);
  - interviews those involved in the matter and/or those complained of, allowing them to be accompanied if they wish (if necessary);
  - conducts the interview with an open mind and be prepared to persist in the questioning;
  - keeps notes of the interview.

### *Resolving Complaints*

7. At each stage in the procedure the School wants to keep in mind ways in which 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 or 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 policies in light of the complaint.

8. Complainants are 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 as an admission of negligence.
9. This procedure aims to 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.

#### *Vexatious Complaints*

10. By properly following this Complaints Policy the School hopes that the number of complaints that become protracted will be limited. However, there will be occasions when, despite all stages of the procedures being followed, the Complainant remains dissatisfied. If the Complainant tries to reopen the same issue, the Chair of the Governing Body is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. Where a complainant makes one or more complaints that are considered vexatious (e.g the complaints are made purely to frustrate the school and have no substance) the Chair of the Governing Body is able to inform them in writing that the issues raised will not be investigated or responded to.

#### *Time-Limits*

11. Complaints will be considered, and resolved, as quickly and efficiently as possible. This Complaints Policy aims to have realistic time limits for each action within each stage (note these time limits exclude where the school is closed for holidays). 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.

### **Part 2: The Complaints Procedure**

#### *The Stages of Complaints*

12. This complaints procedure has well-defined stages. A flow chart of the stages can be found in Annex C. At each stage the School will clarify exactly who will be involved, what will happen, and estimate how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the Complainant and the member of staff directly involved and further investigations may be required by the Headteacher after a meeting with the Complainant.
13. The three stages are as follows:
  - Stage one: complaint heard by Head Teacher or a designated member of the Senior Leadership Team;
  - Stage two: complaint heard by Chair of the Governing Body;
  - Stage three: complaint heard by Governors' Complaints Appeal Panel;
14. If the complaint concerns the conduct of the Headteacher or a Governor, or where a Headteacher or Governor has been involved in the issue previously, others not involved will lead the process and this will be advised to the Complainant.
15. The complaints procedure is located in Annex B.

### **Part 3 – Managing and Recording Complaints**

#### *Recording Complaints*

16. The progress of the complaint and the final outcome will be recorded. A complaint may be made in person, by telephone, or in writing. Our complaint form can be found in Annex D. At the end of a meeting or telephone call, the member of staff will ensure that the Complainant and the School have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record.
17. The Headteacher is responsible for the records and holds them centrally.

#### *Governing Body Review*

18. The Governing Body will 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 will not name individuals.
19. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to improvement. When individual complaints are heard, the School may identify underlying issues that need to be addressed. The monitoring and review of complaints by the School and the Governing Body is a useful tool in evaluating the School's performance.

#### *Publicising the Complaints Procedure*

20. There is a legal requirement for the School's Complaints Policy and Procedures to be publicised. The School will publicise its Complaints Procedure through publication on the School Website.

Updated: February 2018

Approved by Finance, Resources and Premises Committee 7 March 2018

Ratified by Full Governing Body: 28 March 2018

Due for Review: February 2021

## Annex A

Section 29 of the Education Act 2002 requires that:

- (1) The Governing Body shall –
  - (a) establish procedures for dealing with all complaints relating to the Academy or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the Academy by virtue of a statutory provision other than this section, and
  - (b) Publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

## Annex B

### *The Complaints Procedure*

Stage One: Complaint heard by Headteacher

The Headteacher will shape the way complaints are handled in the School. It is recognised that the Complainant may be dissatisfied with the way the complaint was handled at Stage One as well as pursuing their initial complaint. The Headteacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage Two: Complaint Heard by Chair of Governing Body

If dissatisfied with the outcome of Stage One, the Complainant must write to the Chair of the Governing Body giving details of the complaint. At this point, it is recognised the Complainant may be dissatisfied with the way the complaint was handled at Stage One as well as pursuing their initial complaint. If necessary, the Chair of the Governing Body will investigate and address both matters.

Stage Three: Complaint Heard by Governing Body's Complaints Appeal Panel

The Complainant must write to the Clerk of the Governing Body giving details of the grounds of the complaint. The Clerk will convene a Governing Body Complaints Appeal Panel of three. None of whose members will have been directly involved in previous consideration of the complaint, and one of whose members will be independent of the management and running of the School. This is the last School-based stage of the complaints process.

Individual complaints will not be heard by the whole Governing Body at any stage, as this would compromise impartiality and confidentiality.

### *Timeframe:*

Investigations by the Headteacher and Chair of the Governing Body (or other nominated persons undertaking either Stage One or Two of the Complaints Procedure) will be completed expeditiously and normally within a period of 20 school days of the complaint being submitted.

If it becomes necessary for the School's Complaints Appeal Panel to meet, this will be arranged by the Clerk to the Governing Body normally within 20 school days of the complaint being submitted to the Clerk to the Governing Body or other nominated person. Where this period falls within School vacations the meeting will be arranged as soon as possible and the Complainant will be notified of the reason for the delay.

### *The Remit of The Complaints Appeal Panel*

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.

Panel Members sitting on a Complaints Panel will recognise that:

- a. It is important that the Appeal Hearing is independent and impartial and that it is seen to be so. No Governor will 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 will try to ensure that it is a cross-section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the Appeal Hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the School and the Complainant. However, it is recognised the Complainant might not be satisfied with the outcome if the Appeal Hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the Complainant that his or her complaint has been taken seriously.
- c. An effective Appeal Panel will acknowledge that many Complainants feel nervous and inhibited in a formal setting. Parents/Carers 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 and care will be taken as far as reasonably possible to ensure the setting is informal and not adversarial.
- d. Extra care needs to be taken when the Complainant is a young person. Careful consideration of the atmosphere and proceedings will ensure that the young person does not feel intimidated. The Panel will take care to be aware of the views of the young person and give them equal consideration to those of adults. Where the young person's Parent/Carer is the Complainant, the Parent/Carer will be given the opportunity to say which parts of the Hearing, if any, the young person needs to attend.



- e. They need to be fully conversant of the complaints procedure.

### *Roles and Responsibilities*

#### The Role of the Clerk:

The Complaints Panel Hearing will be clerked. The Clerk will be the contact point for the Complainant and the Clerk will:

- set the date, time and venue of the Appeal Hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate any written material and provide it to the parties in advance of the hearing;
- meet and welcome the parties as they arrive at the Hearing;
- record the proceedings;
- notify all parties of the Appeal Panel's decision.

#### The Role of the Chair of the Governing Body or the Nominated Governor

The nominated Governor will:

- check that the correct procedure has been followed;
- notify the Clerk, if an Appeal Hearing is appropriate, to arrange the Panel;

#### The Role of the Chair of the Panel

The Chair of the Panel will ensure that:

- the remit of the Panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- Parents/Carers 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 as possible 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 is seen by all parties. If a new issue arises all parties will be given the opportunity to consider and comment on it.

#### Notification of the Panel's Decision

The Chair of the Panel will ensure that the Complainant is notified of the Panel's decision, in writing, with the Panel's response as soon as possible. An initial verbal notification will be provided within 24 hours of the Hearing and the letter will follow as soon as practicable. The letter will explain if there are any further rights of appeal and, if there are, to whom they need to be addressed.

### *Checklist for a Panel Hearing*

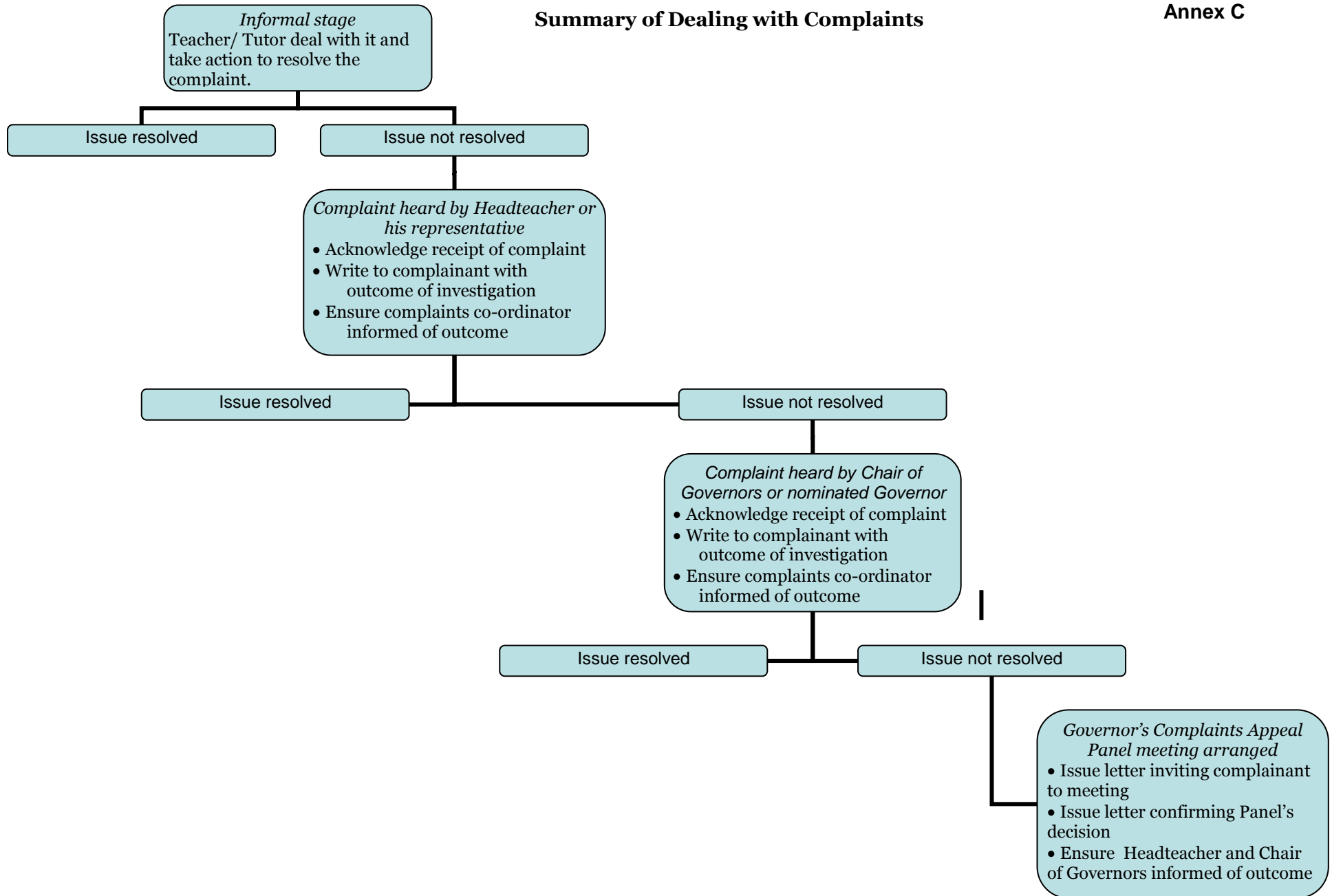
The Panel will take the following points into account:

- To make the Hearing as informal as possible.
- Witnesses will only be required to attend for the part of the Hearing in which they give their evidence.
- After introductions, the Complainant will be invited to explain their complaint, and be followed by their witnesses.
- The Headteacher (or nominated representative) may question either the Complainant or the witnesses after each has spoken.
- The Headteacher (or nominated representative) will then be invited to explain the School's actions and be followed by the School's witnesses.
- The Complainant may question either the Headteacher (or nominated representative) or the witnesses after each has spoken.
- The Panel may ask questions at any point.
- The Complainant will then be invited to sum up their complaint.
- The Headteacher (or nominated representative) will then be invited to sum up the School's actions and response to the complaint.
- The Chair will advise that both parties will hear from the Panel within the time scale prescribed within this Policy.
- Both Parties leave together while the Panel decides on the issues. The Clerk will remain.

# Annex C Flowchart

## Summary of Dealing with Complaints

Annex C



## Annex D St Peter's School Complaints Form

Please complete and return to the Headteacher who will acknowledge its receipt and explain what action will be taken in an initial letter of response.

Your name:

Student's name:

Your relationship to the Student:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.  
(Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

You may also appeal beyond the School to:

1. The Local Government Ombudsman (LGO)

- The Local Government Ombudsman may investigate complaints about misadministration, i.e. cases where the published complaints procedure has not been properly followed.
- The Ombudsman cannot investigate complaints about internal School matters and is not empowered to overturn the decision of the Governing Body Complaints Panel.

Local Government Ombudsman,  
Beverley House, 17 Shipton Road,  
York, YO30 5FZ  
0300 061 0614 or 0845 602 1983.  
[www.lgo.org.uk](http://www.lgo.org.uk)

2. The Secretary of State for Education can investigate complaints where a Governing Body has acted 'unreasonably' or illegally in coming to their decision.

Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT  
0870 000 2288  
[www.dcsf.gov.uk](http://www.dcsf.gov.uk)

3. Ofsted. Ofsted has powers to investigate complaints such as:

- The School is not providing a good enough education;
- The Students are not achieving as much as they should, or their needs are not being met;
- The School is not well led and managed or is not using its resources Efficiently;
- The Students' personal development and well-being are being neglected.

Ofsted will not usually consider a complaint if a Complainant has not first followed the School's complaints procedure and will not normally investigate matters to do with individual Students.

Enquiries, National Business Unit  
Ofsted  
Royal Exchange Buildings  
St Ann's Square, Manchester  
M2 7LA.  
08456 404045  
[www.ofsted.gov.uk](http://www.ofsted.gov.uk)