

# ALL SAINTS CATHOLIC HIGH SCHOOL

## SCHOOL COMPLAINTS PROCEDURE

**Mission:** <http://www.allsaints.sheffield.sch.uk/index.html>

### Introduction

The School Standards and Framework Act 1998, section 39(1) places a duty on all Governing Bodies to establish a complaints procedure for parents/carers to make complaints about all matters related to the school that are not covered under other statutory procedures. In addition, there may be circumstances in which they may complain or appeal if they consider that their rights have been ignored, a wrong decision taken or if their child is not being taught properly.

Complaints are not always easy to define. It is therefore important to keep in mind a distinction between concerns, problems and complaints. They can often arise from the consequences or perceived consequences of resource allocations, operational difficulties, working practices or individual actions.

### Underlying Principles

Complainants will be treated seriously and courteously and given the time they require to be heard. It is important to the school that the complainants have confidence in these procedures and know that their cases will be impartially investigated.

Complainants will be advised at the earliest possible stage of:

- The scope, if any, for pursuing their complaint and the extent of the procedure for dealing with it
- The way in which the complaint is likely to be handled

Where there are established statutory or other procedures for dealing with a complaint, these will be followed. These guidelines do not cover those matters already provided for such as:

Admissions to schools

Exclusions

Local Authority Special Educational Needs Provision / Tribunal (but it does cover the school's SEN support for a child)

School re-organisation

Matters concerned with the curriculum

Serious complaints against staff

Child Protection issues

Public examinations



It may be that action under the complaints procedure may lead to action being initiated under other (e.g. statutory) procedures. In these cases the investigations under the complaints procedure will be suspended until action under the procedure (including appeals) has been concluded. The complainant will be advised that alternative action is being taken, but that this will remain confidential until the procedure has been completed. They will also be told the likely delay in reaching final resolution of their complaint.

## **Definition of a Complaint**

For schools, a complaint within the terms of the procedures described here is an expression of dissatisfaction verbally or in writing by parents/carers of children who attend the school. All complaints from parents/carers of children who attend the school will be investigated as such. After initial investigation of the complaint, a decision might be made to use the discipline, capability (or other appropriate) procedure against a member of staff. Anonymous complaints would not be considered under this procedure.

This procedure outlines the informal and formal stages by which a complaint may be made against the school. At all stages the aim of the policy is to reach a mutual understanding of the problems so that improvements can be made where necessary.

**Where agreement cannot be reached, the continued aim of the procedure is to ensure that all parties are treated fairly. Conciliation between school and the parents/carers can be considered at any time, within the informal or formal stages.**

## **1. The First Stage – Dealing with Concerns and Complaints informally**

### **1.1 Guidelines**

- 1.1.1 It is hoped that all complaints and concerns can be resolved as early and informally as possible. Parents/carers need not only to be listened to but also to feel that they have been listened to.
- 1.1.2 The vast majority of concerns and complaints can be resolved informally. There are many occasions where concerns are resolved immediately through the individual teacher, Strategic Subject Leader/Director, Head of House, Leadership Team or Headteacher, depending on whom the parents first approach. Parents must feel able to raise concerns with members of staff without any formality, in person, by telephone or in writing. On occasion it may be appropriate for someone to act on behalf of a parent. At first it may be unclear whether a parent is asking a question or expressing an opinion rather than making a complaint. A parent/carer may want a preliminary discussion about an issue to help decide whether he or she wishes to take it further.

### **1.2 Procedures**

- 1.2.1 Parents/carers will be given an opportunity to discuss their concern with the appropriate member of staff who will clarify the nature of the concern and reassure them that the school wants to hear about it. The member of staff may explain to the parents/carers how the situation arose. It may be helpful to identify at this point what sort of outcome the parent/carer is looking for.

- 1.2.2 The member of staff will need to respond appropriately, taking into account the seriousness of the complaint. In many cases the appropriate member of staff can resolve the matter immediately.
- 1.2.3 If the member of staff first contacted cannot deal immediately with the matter, they will make a clear note of the date, the name, and contact address or telephone number of the complainant. The Headteacher will be given a copy.
- 1.2.4 The member of staff dealing with the concern or complaint will make sure that the parent/carer is clear what action (if any) or monitoring of the situation has been agreed, putting this in writing if this seems the best way of making things clear.
- 1.2.5 Where no satisfactory solution has been found within 10 school working days, parents/carers should be given clear information, both orally and in writing, about how to proceed with their complaint and about any independent advice available to them.

## **2. The Second Stage – Referral to the Headteacher for Formal Investigation**

### **2.1 Guidelines**

- 2.1.1 By now it will have become clear that the concern is a definite complaint. In some cases the Headteacher will already have been involved in looking at the matter; in others it will be their first involvement. In either case, it will be helpful for the Headteacher (or member of staff designated to investigate) to use these guidelines to ensure consistency among cases, and to make sure that nothing happens at this stage which could make it difficult for later stages to proceed smoothly.
- 2.1.2 As Headteachers have responsibility for the day-to-day running of their schools, they have responsibility for the implementation of a complaints system, including the decisions about their own involvement at the various stages. One of the reasons for having the various 'stages' in a complaints procedure is to reassure complainants that more than one person is hearing their complaint.
- 2.1.3 Headteachers will make arrangements to ensure that their involvement will not predominate at every stage of a particular complaint. For example, arrangements may be made for other staff to deal with parents/carers concerns at Stage 1, while the Headteacher deals with contacts with parents/carers at Stage 2. Even at that stage the Headteacher may designate another member of staff to collect some of the information from the various parties involved.

### **2.2 Procedures**

- 2.2.1 Complaints should normally be in a written format. In exceptional cases the school will consider progressing an oral complaint where there are sufficient grounds to do so. The Headteacher (or designated member of staff) will acknowledge the complaint orally or in writing within three working days of receiving the written complaint.
- 2.2.2 Schools should be sensitive to the needs of the parent/carer who may have literacy difficulties or for whom English is not their first language.

- 2.2.3 The acknowledgement will give a brief explanation of the school's complaints procedure and a target date for providing a response to the complaint. This will normally be within 10 school working days; if this proves unworkable, a letter will be sent explaining the reason for the delay and giving a revised target date.
- 2.2.4 It may be possible even at this stage to reach an agreed solution to the problem. The Advice and Conciliation Service of the Local Authority is able to offer limited advice to parents/carers and may be able to suggest a mediation format to discuss the complaint without invoking formal procedures. The aim here is to progress the matter for the good of the child, their parents/carers and the school. Prolonging a complaint longer than is necessary may be harmful to any or all parties involved. Such a route would be seen as an attempt to resolve the complaint informally and would not compromise the complainant's right to move to more formal procedures at any time.
- 2.2.5 The Headteacher will provide an opportunity for the complainant to meet him or her to supplement any information provided previously. It will be made clear to the complainant that if they wish, they may be accompanied to any meeting by a friend, relative, representative or advocate who can speak on their behalf; and that interpreting facilities will be available if needed.
- 2.2.6 If necessary, the Headteacher will interview witnesses and take statements from those involved. If the complaint centres on a student, the student should also be interviewed. In some circumstances, another member of staff with whom the student feels comfortable will be asked to attend. In certain circumstances and taking into account the nature of the complaint, it may be appropriate to invite a parent/carer to be present when the Headteacher interviews a pupil. The Headteacher will keep written records of meetings, telephone conversations and other contacts.
- 2.2.7 Once all the relevant facts have been established, the Headteacher will produce a written response to the complainant, and/or may wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the school will take to resolve the complaint. If any action is to be taken against a member of staff, to protect the rights of the staff concerned, the phrase '**Appropriate action has or will be taken**' should be used.
- 2.2.8 The complainant will be advised that should they wish to take the complaint further they should notify the Chair of the Governing Body within 10 school working days of receiving the outcome letter. Normally, the Chair will arrange that a Governors Complaints Committee should investigate on the parents/carers behalf.
- 2.2.9 Where the complaint is against the Headteacher, arrangements should be made for the initial investigation to be conducted by a single Governor (usually the Chair of Governors, or Vice Chair of Governors), or a suitably constituted Governors' Complaints Committee who will carry out all the Stage 2 procedures.

### **3. The Third Stage –Appeal to the Chair of Governors or Governing Body Complaints Committee**

#### **3.1 Guidelines**

Complaints rarely reach this formal level. It is important that this appeal should not only be independent and impartial on behalf of the Governing Body, but that it is seen to be so. As such the appeal should be dealt with by Governors who have had no prior knowledge or involvement in the case.

- 3.1.1 As this may be the last chance for a solution or compromise to be reached, every effort should be made to **mediate** and **conciliate**. Parents/carers may wish to seek advice from the Advice & Conciliation Officer at this stage if they have not previously made contact.
- 3.1.2 Complaint appeals should normally be in a written format. In exceptional cases the school will consider progressing an oral complaint appeal where there are sufficient grounds to do so. This complaint should state clearly why the complainant feels their case has not been dealt with and should be based on evidence or supported by witness statements.
- 3.1.3 All complaints which reach this stage will have done so because the complainant has not been satisfied by the Headteacher's response at the earlier stage of the procedure, or, if the complaint had been about the Headteacher, the original investigation by the Chair of Governors, Vice Chair of Governors or Governors' Complaints Committee

#### **3.2 Procedures**

- 3.2.1 Upon receipt of a written request by the complainant for the complaint to proceed to Stage 3, the procedures outlined below will be followed:
  - 1. The Chair of the Governing Body Complaints Committee or other Governor not previously involved will write to the complainant to acknowledge receipt of the written request.
  - 2. The acknowledgement will inform the complainant that the complaint will be investigated by the Governing Body Complaints Committee, as appropriate, within 20 school working days of receiving the request
  - 3. The letter will also explain that the complainant has the right to submit any further documents relevant to the complaint. Documents must be received in time for them to be sent to the three members of the Committee.
- 3.2.2 If the investigation is being conducted by a Governors' Complaints Committee, the Chair of Governors will convene a Committee of three members, two of whom will be elected from the members of the Governing Body. The third member of the committee will be someone independent of the leadership and/or management of All Saints Catholic High School. The Governor Committee members will be those who have had no prior involvement with the complaint. Generally it is not appropriate for the Headteacher or staff to have a place on the Committee. Governors should bear in mind the advantages

of having a parent/carer (who is also a Governor) on the Governors' Complaints Committee.

- 3.2.3 The Chair/Vice Chair will ensure that the Committee hears the complaint within 20 school working days of receiving the request. All relevant correspondence regarding the complaint will be given to each Governors Complaints Committee member as soon as the composition of the Committee is confirmed.
- 3.2.4 The Chair/Vice-Chair will write to inform the complainant, the Headteacher, any relevant witnesses and members of the Governors' Complaints Committee at least ten school working days in advance, of the date, time and place of the meeting. The details of the complaint available at that time should also be sent in writing to the Headteacher.
- 3.2.5 The notification to the complainant should also inform him/her of the right to be accompanied to the meeting by a friend/advocate/interpreter. The letter will also explain how the meeting will be conducted and the complainant's right to submit further written evidence to the Committee, at least five school working days in advance of the meeting. The Chair/Vice Chair of the Governing Body will invite the Headteacher to attend the Governors Complaints Committee meeting and prepare a written report for the Committee in response to the complaint.
- 3.2.6 The Headteacher may also invite members of staff directly involved in matters raised by the complainant to respond in writing or at the discretion of the Chair to attend the meeting. All concerned, including the complainant, will receive any relevant documents including the Headteacher's report, at least five school working days prior to the meeting.
- 3.2.7 It is the responsibility of the Chair of the Committee to ensure that the meeting is properly minuted.
- 3.2.8 The aim of the meeting will be to resolve the complaint and to achieve reconciliation between the school and the complainant. However, it has to be recognised that sometimes it may only be possible to establish facts and make recommendations which will satisfy the complainant that his or her complaint has at least been taken seriously.
- 3.2.9 The Committee should remember that some parents/carers are unused to dealing with groups of people in formal situations and may feel inhibited when speaking to the Committee. It is therefore recommended that the Chair of the Committee ensures that the proceedings are as informal as the situation allows.
- 3.2.10 If either party wishes to introduce previously undisclosed evidence or witnesses, it is in the interests of natural justice to adjourn the meeting so that the other side has time to consider and respond to the new evidence.
- 3.2.11 At Stage 3 the complainant and the Headteacher and any other staff should be interviewed separately, so that the Committee can form a clear and unbiased view of the complaint. The interviews, which can be arranged to run consecutively if this is more convenient, should allow:
  - The complainant to explain their complaint(s)
  - The Headteacher to explain the school's response

- The Governors' Complaints Committee members to have an opportunity to question both the complainant and the Headteacher.
- Any party to have the right to call witnesses (subject to the approval of the Chair) and the Committee having the right to question all the witnesses
- The parents/carers, the Headteacher and staff to have the right of representation at the interview if they so wish

3.2.12 The Chair of the Committee will explain to the complainant and the Headteacher that the Committee will consider its decision, and a written response will be sent to both parties within 15 school working days.

3.2.13 The Committee will then consider the complaint and all the evidence presented and:

- a) Reach a unanimous, or at least a majority decision on the complaint
- b) Decide upon the appropriate action to be taken to resolve the complaint
- c) Where appropriate, suggest recommended changes to the school's systems or procedures to ensure that problems of a similar nature do not happen again

3.2.14 Recommendations will be reported to the Governing Body at an appropriate time.

3.2.15 A written statement outlining the decision of the Committee must be sent to the complainant and Headteacher. If any action is to be taken against a member of staff, to protect the rights of the staff concerned, only the phrase '**Appropriate action has or will be taken**' should be used.

3.2.16 The Governors will ensure that a copy of all correspondence and notes are kept on file in the Governor's records. These records should be kept separately from the student's personal records.

#### **4 The Fourth Stage – Referral to the Diocesan Authority**

4.1 Complaints can be referred to the Diocesan Director of Education. This person is independent of the school and can investigate complaints made against the school, or check that correct procedures have been carried out by the school.

#### **5. The Fifth Stage – Referral to the Local Government Ombudsman**

Complaints can be taken to the Local Government Ombudsman under Section 496 of the Education Act 1996, on the grounds that a Governing Body or LA is acting or proposing to act unreasonably, or under Section 497 of the same Act, on the grounds that either the Governing Body or the LA has failed to discharge its duties under the Act. The Ombudsman may contact the Governing Body or the LA for more information in order to consider the complaint.

## Chart: Stages for Handling Complaints

