



**St Cuthbert's
Catholic High School**

Live life in all its fullness

Complaints Procedure Policy

2017 - 2018

Complaints Procedure Policy

STAGE 1 – MAKING AN INFORMAL COMPLAINT

Dealing with immediate concerns

- a. Most concerns can be resolved informally without recourse to formal procedures that could involve the Headteacher or the Governing Body of the school.
- b. Immediate concerns are usually resolved straight away by contacting an appropriate member of staff e.g. the class teacher, a form tutor or the school secretary. If a concern cannot be resolved in this way, the complainant should contact the Headteacher by telephone or make an appointment to meet with him/her in an attempt to resolve the matter informally.
- c. The concern may be referred on to another member of staff e.g. (Head of Key Stage, Pastoral Head, Head of House) if this is considered to be more appropriate in the light of the specific nature of the issue being raised.
- d. The Headteacher, School Complaints Officer or the senior member of staff concerned, will try to resolve the matter straight away indicating what further action (if any) the school proposes to take. If he/she cannot respond immediately because further enquiries need to be made, a verbal or written response will be made to the complainant within 5 school days. The complainant must be informed when to expect a response if it will take longer than 5 school days.

The complainant will be requested to indicate if he/she is satisfied with the school's response and advised of their right to refer the complaint on to Stage 2 of the General Complaints Procedure (the Formal Stage), if they remain dissatisfied and wish to take the matter further.

Informal Complaints relating specifically to staff

- a. A complainant should make an appointment to meet with the Headteacher if he/she wishes to make an informal complaint relating to the general conduct or actions of a member of staff employed at the school. If the matter cannot be dealt with immediately, the Headteacher will make further enquiries with a view to resolving the matter informally within 5 school days, or designate a senior member of staff to make enquiries on his/her behalf. The complainant will be advised at the outset if their complaint falls outside the scope of the general complaints procedure.

The school's general complaints procedure is distinct from the school's disciplinary procedures. There may be occasions, albeit rare and exceptional, when a complaint concerning the conduct of staff at the school will be handled through disciplinary procedures instead. The complainant and the relevant staff will be advised accordingly.

- b. The member(s) of staff concerned will be informed immediately that a concern has been raised and advised that the matter is being investigated informally by the Headteacher (or a member of the school's senior management team). The member(s) of staff concerned may wish to seek advice before responding to enquiries made at this informal stage

- c. The Headteacher will respond to the complainant in person or in writing, and inform the member(s) of staff accordingly. In either case, the complainant will be requested to indicate if he/she is satisfied with the school's response, and advised by the Headteacher of their right to refer the complaint on to stage 2 of the school's Complaints Procedure (the Formal Stage) if they remain dissatisfied and wish to take the matter further.

- d. The Headteacher will inform the member(s) of staff concerned if the complainant indicates that he/she is dissatisfied with the outcome of the informal investigation and intends to make a formal written complaint.

STAGE 2 – MAKING A FORMAL COMPLAINT

General

- a. Formal complaints must be sent in writing to the Headteacher who will determine whether or not the complaint falls within the scope of the school's general complaints procedure; taking advice as necessary from the LEA. Formal complaints received in the form of a solicitor's letter will be investigated by the Headteacher and the Chair. The services of the Authority solicitor will be sought. (In accordance with annex 1 of the Complaints Procedure).
- b. Formal complaints concerning the conduct of the Headteacher must be sent in writing to the chair of the Governing Body for investigation and response (*in accordance with Annex 2 of the Complaints Procedure*)
- c. Formal complaints concerning the conduct of the Chair of the Governing Body will be referred directly to the Governing Body via the Clerk for investigation and response (*in accordance with annex 3 of the Complaints Procedure*)
- d. Formal complaints concerning the conduct of a Governor will be referred directly to the chair of the Governing Body via the Clerk (*in accordance with Annex 4 of the Complaints Procedure*)
- e. Formal complaints concerning the conduct of the Complaints Officer (if the Headteacher is not the Complaints Officer) will be investigated by the Headteacher (*IN accordance with Annex 5 of the complaints Procedure*)
- f. Formal complaints from any Governors of the school will be discussed at a full meeting of the governing Body (*in accordance with Annex 6 of the complaints Procedure*)
- g. Formal complaints from pupils will be dealt with (*in accordance with Annex 7 of the Complaints Procedure*)

The handling of serious or urgent complaints

- a. Where a formal written complaint falls within the scope of the general complaints procedure and is considered by the Headteacher to be of a serious or urgent nature, he/she will either;
 - i. act as the complaints Officer and conduct an investigation; or, having taken advice from the LEA (*the Archdiocese/Diocese*),
 - ii. refer the matter directly to the Chair of the Governing Body who will delegate the investigation of the matter to a committee of the Governing Body i.e. The Complaints Committee.
- b. The complainant will be informed accordingly in writing by the Headteacher within 5 school days following receipt of the formal written complaint.

The handling of serious or urgent complaints

- a. The letter of complaint must specify the complaint, the steps taken by the complainant (if any) to resolve the matter informally and the reasons for continued dissatisfaction. The letter should be accompanied by any supporting evidence where appropriate or relevant, and indicate what sort of outcome is being sought by the complainant.
- b. The Complaints Officer will acknowledge receipt of the letter in writing within 5 school days and endeavour to send a full response (i.e. the decision letter) to the complainant within 10 school days. Where it is not possible for the Complaints Officer to investigate and respond in full within this time scale (e.g. Due to the nature of the complaint, school holidays or the need to obtain additional information), a letter will be sent to the complainant indicating when he/she can expect to receive a full response.
- c. The Complaints Officer will investigate the complaint and reach a decision as to what action, if any, should be taken in response to it. The Complaints Officer may need to contact or meet with the complainant in order to clarify specific issues or obtain additional information which will assist the investigation. The complainant will be entitled to be accompanied by a friend or representative should he/she be requested to meet with the Complaints Officer for this purpose.
- d. The Complaints Officer may also need to interview witnesses as part of a formal investigation and take statements from those involved which may include pupils. Should it become necessary in exceptional circumstances for a pupil to attend any meeting that is convened as part of a formal investigation into the complaint, the parents will be consulted beforehand. There would also need to be an undertaking from all parties that confidential matters relating to named members of staff would not be disclosed.
- e. Once the formal investigation has been completed and all the relevant facts established, the Complaints Officer will send a written response to the complainant (i.e. the decision letter). This will convey the decision made by the Complaints Officer and set out the reasons for it indicating, where appropriate, what further action (if any) the school proposes to take in response to the complaint, and by when.

An apology will be sought from the complainant if it is established that their complaint against the school was unwarranted, unjustified or malicious.

- f. The decision letter will clearly state the right of the complainant to refer the matter to Stage 3 of the school's Complaints Procedure if he/she remains dissatisfied, and indicate the time limit for doing so i.e. Within 10 school days of receiving the decision letter from the Complaints Officer.
- g. The Complaints Officer will keep notes of any meetings/telephone calls/interviews which relate to his/her investigation into the complaint.

Formal Investigation into a general complaint against a member of staff

- a. The Headteacher will act as the Complaints Officer where the formal complaint concerns the general conduct of a member of staff employed at the school; Taking advice as necessary from the LEA (the Archdiocese/the Diocese).
- b. The letter of complaint must specify the complaint, the steps taken by the complainant (if any) to resolve the matter informally and the reasons for continued dissatisfaction. The letter should be accompanied by any supporting evidence where appropriate or relevant and indicate what sort of outcome is being sought by the complainant.
- c. The Headteacher will acknowledge receipt of the formal complaint in writing within 5 school days and endeavour to send a full response (i.e. the decision letter) within 10 school days. Where it is not possible for the Headteacher to investigate and respond in full within this time scale (i.e. Due to the specific nature of the complaint, school holiday dates or the need to obtain additional information), the complainant will be advised when he/she can expect to receive a decision in writing.
- d. The Headteacher will inform the member of staff concerned that a formal complaint has been received and confirm that it will be investigated in accordance with the school's general complaints procedure (where this procedure is considered to be appropriate). The member of staff will be advised to seek advice from their Trade Union representative or professional association.
- e. The Headteacher will conduct a full investigation into the complaint and take responsibility for:
 - Arranging for the collection of evidence
 - Conducting interviews with witnesses and taking written statements as necessary which are then signed and dated
 - Conducting a formal interview with the member of staff against whom the general complaint has been made.

Advice will be sought from the LEA and/or (the Archdiocese/the Diocese) as and when required.

- f. The Headteacher may need to contact or meet with the complainant in order to clarify specific issues or obtain additional information to assist the investigation. The complainant will be entitled to be accompanied by a friend or representative should he/she be invited to meet with the Complaints Officer for this purpose.
- g. The Headteacher may also need to interview witnesses as part of a formal investigation and take statements from those involved which may include pupils. Should it become necessary in exceptional circumstances for a pupil to attend any meeting convened by the Headteacher in order to clarify facts relating to a general complaint, the parents will be consulted beforehand. There would also need to be an undertaking from all parties that confidential matters relating to named members of staff would not be disclosed.
- h. At a formal interview, the Headteacher will outline the nature of the general complaint and any relevant background information. The member of staff concerned will be entitled to be accompanied by a friend or representative from their trade union or professional association. The member of staff will be given full opportunity to explain

their actions. A written record of the meeting will be made by the Headteacher.

i. Upon completion of a formal investigation, the Headteacher will compile a written report (keeping notes of any telephone calls or interviews relating to the investigation) and decide what action should be taken in response to the complaint.

j. The Headteacher will inform the member of staff accordingly i.e. either:

(i) that the complaint is unsubstantiated and no further action is being taken,

or

(ii) that, as a result of the investigation, the complaint is justified in whole or in part

If the complaint is justified, the Headteacher will inform the member of staff what further action will be taken.

An apology will be sought from the complainant if it is established that their complaint was unwarranted, unjustified or malicious.

k. The Headteacher will write to the complainant to indicate the outcome of the formal investigation (i.e. the decision letter) and advise him or her of their right to refer the matter to Stage 3 of the school's Complaints Procedure if they remain dissatisfied and wish to take the matter further. The decision letter will also indicate the time limit for referring their complaint to Stage 3 i.e. by giving written notice to the Headteacher within 10 school days of receiving the decision letter.

STAGE 3 – MEETING WITH HEADTEACHER (reconciliation stage)

- a. The Headteacher will arrange to meet with the complainant within 10 school days of receiving a letter from the complainant which indicates that he/she wishes to take the complaint to Stage 3. Where it is not possible to do so within this time limit, the Headteacher will write to the complainant within 5 school days of receiving the letter in order to arrange a meeting at the earliest opportunity on a mutually convenient date.

The complainant can be accompanied to the meeting by a friend or representative.

- b. This stage of the procedure will involve the Headteacher whether or not s/he has conducted an investigation at an earlier stage.
- c. At the meeting with the complainant, the Headteacher will review the complaint (i.e. how it was investigated and the basis on which a decision was made) in a further attempt to resolve the matter.
- d. The Headteacher will reach a decision as to the action to be taken (if any) and respond to the complainant in writing (i.e. the decision letter). The decision letter will inform the complainant of their right of appeal to the Complaints Committee of the Governing Body in accordance with Stage 4 of the school's Complaints Procedure if he/she remains dissatisfied and set out the time limit for doing so i.e. by giving written notice to the Headteacher within 10 school days of receiving the decision letter. The complainant will also be notified of the right to attach a written statement in support of their appeal to the Governing Body.
- e. Unless it is otherwise decided due to the urgent or serious nature of the complaint, an appeal to the complaints Committee will only be permitted if the complainant has met with the Headteacher in a further attempt to resolve the matter.

STAGE 4 – APPEAL TO THE GOVERNING BODY

1. General

- a. The complainant must write to the Headteacher within 10 school days of receiving a letter from the school following Stage 3 in order to make a formal appeal to the Governing Body against the Headteacher's decision.
- b. The Headteacher will forward the appeal letter to the chair of the Governing Body within 5 school days, together with any supporting statement or documentation which has been supplied by the complainant.
- c. An appeal to the Governing Body will be dealt with by a Committee i.e. the Complaints Committee; the membership of which will be reviewed by the full Governing Body on an annual basis at a business meeting held during the Autumn term. Upon receipt of a written appeal from a complainant, the chair of the Governing Body will instruct the Clerk to convene a meeting within 15 school days in order to conduct an oral hearing. The proceedings of the Complaints Committee will be minuted by the Clerk.
- d. The Complaints Committee will comprise (3 or more) members; at least one of whom will be a parent governor at the school or another member of the Governing Body who has a child in full time education. The Headteacher will not be eligible to serve as a member of the Complaints Committee whether or not he/she is a Governor of the school.

2. Notification of the Complaints Committee meeting

- a. The Clerk will write and inform the complainant of the date and time of the oral hearing at least 10 school days beforehand, indicating who will be present and who will be chairing the proceedings. The complainant will be entitled to attend and to be accompanied by a friend or representative. The notification letter will confirm that copies of any written statement attached to the letter of appeal will be sent to each member of the Complaints Committee and the Head teacher respectively at least 5 school days in advance of the hearing. The complainant will also be advised that s/he can call witnesses in support of their case provided that their names are notified to the Clerk at least 5 school days in advance of the hearing so that this information can be conveyed to the members of the Complaints Committee and the Headteacher beforehand.
- b. The Clerk will also write to the Headteacher and notify him/her of the date of the hearing at which the appeal will be considered by the Complaints Committee. The notification letter will invite the Headteacher to attend the hearing and provide the Clerk with a written report in response to the complaint at least 7 school days beforehand. Copies will be sent to the members of the Complaints Committee and the complainant at least 5 days in advance of the hearing. The Headteacher will also be entitled to submit written statements from staff if they were directly involved in matters being raised by the complainant, or request any of the staff concerned to attend the oral hearing and give evidence as witnesses if this is more appropriate.

- c. Any written statements from staff must be forwarded to the clerk by the Headteacher at least 7 school days before the date of the oral hearing so that copies can be sent to members of the Complaints Committee and the complainant at least 5 school days beforehand.
- d. The Headteacher will also be required to notify the clerk at least 5 school days before the date of the hearing if witnesses will be called, and provide the names of those concerned so that this information can be sent to members of the Complaints Committee and the complainant in advance of the hearing.

3. The conduct of the meeting

- a. The aim of the hearing will be to resolve the complaint. The Chair of the Complaints Committee will make every effort to put people at ease and avoid undue formality, given that some of those present may feel inhibited from speaking in an unfamiliar and formal situation.
- b. The Chair will invite the complainant to present their own case with support from a friend or representative as necessary, call any witnesses whose names have been already been notified to the Clerk, and elaborate as required on points raised in the written statement or other supporting documentation which may have been submitted in support of their appeal to the governing Body.
- c. Members of the Complaints Committee and the Headteacher will be given full opportunity to question the complainant and witnesses or seek clarification of information presented orally or via the written statement/supporting documentation.
- d. The Chair will invite the Headteacher to present their report and to call any witnesses whose names have already been notified to the Clerk.
- e. Members of the Complaints Committee and the complainant will be given full opportunity to question the Headteacher and witnesses or seek clarification on information presented orally or via written statements.
- f. The complainant and the Headteacher will each be allowed to make a closing statement to the Complaints committee if they wish to do so.
- g. Both parties will then be asked to withdraw whilst the complaints Committee considers the appeal and all the evidence presented. The Committee will then make its decision i.e.
 - i. To reject the appeal and uphold the decision previously taken,
 - or
 - ii. To uphold the appeal and determine what action will be taken
- h. The Chair will then invite both parties to re-join the hearing and inform them of the decision made by the complaints committee.

This decision will be confirmed in writing by the Clerk within 5 days, indicating that the complainant may make a further appeal to the LEA if s/he remains dissatisfied, provided that this is done within 10 days of the date of receiving the decision letter from the Clerk. The decision letter will indicate that a written appeal should be made

to the Director of Community Education and Leisure Services.

An apology will be sought from the complainant if it is established that their complaint against the school or the manner in which it has been investigated hitherto was unwarranted, unjustified or malicious.

STAGE 5 – FURTHER APPEAL

TO THE LEA

- a. The complainant must specify the reasons for their dissatisfaction with the investigation into their complaint by the school and provide relevant evidence to the LEA.
- b. The LEA's Complaints Officer will acknowledge receipt of the appeal letter in writing and notify the Headteacher and the Chair of the Governing Body respectively within 5 working days.
- c. The LEA will review the complaint process undertaken by the school. The review will ensure that the complaint was dealt with appropriately in accordance with the School's General Complaints Procedure. The LEA will make a written response to the complainant within 10 working days. Any appeal to the LEA relating to a Voluntary Aided school will involve appropriate liaison between the LEA and the relevant Diocesan authority. Should it not be possible for the LEA to respond fully within this time scale, the complainant will receive a letter from the investigating officer indicating when a full response will be given.
- d. Copies of all relevant correspondence will be sent to the chair of the governing Body and the Headteacher.
- e. The Governing Body of the school will consider the contents of the LEA's final written response in relation to the complaint in order to determine what further action (if any) should be taken by the school.

APPEAL TO THE ARCHDIOCESE/DIOCESAN BOARD OF EDUCATION

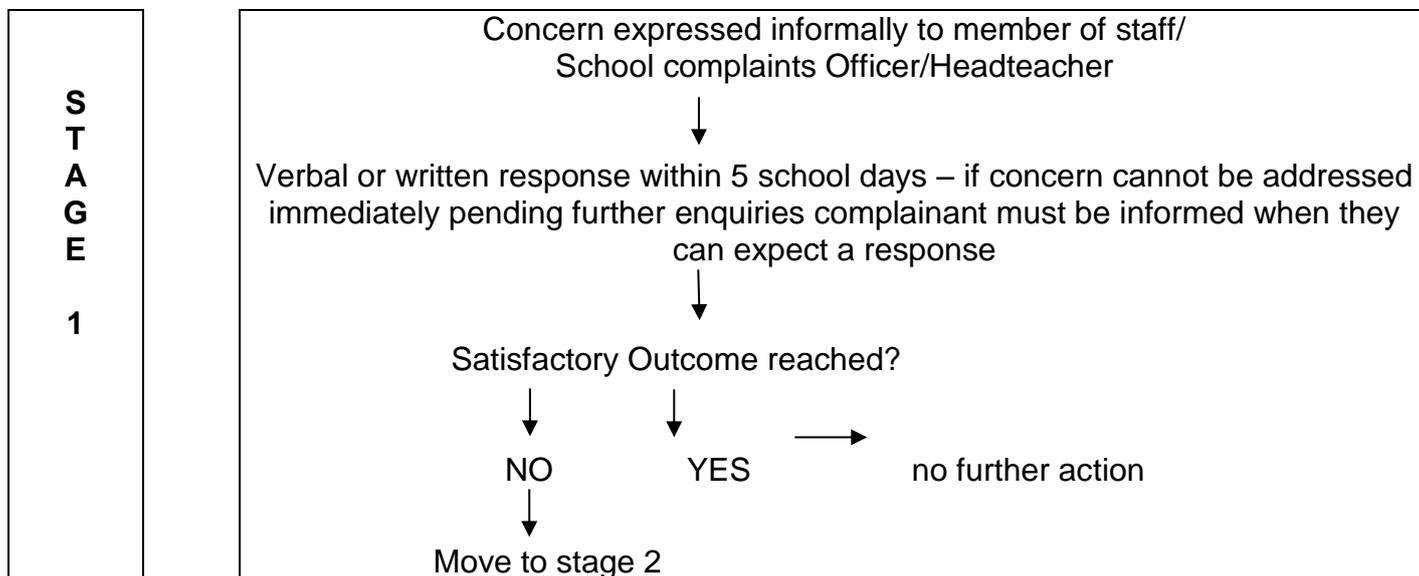
The Governing Bodies of voluntary Aided Schools should contact the relevant Church Authority if they wish the Archdiocese/Diocese to handle any appeals arising from their school's general complaints procedure in order to obtain their agreement, and determine how this should be referred to within the school's documentation.

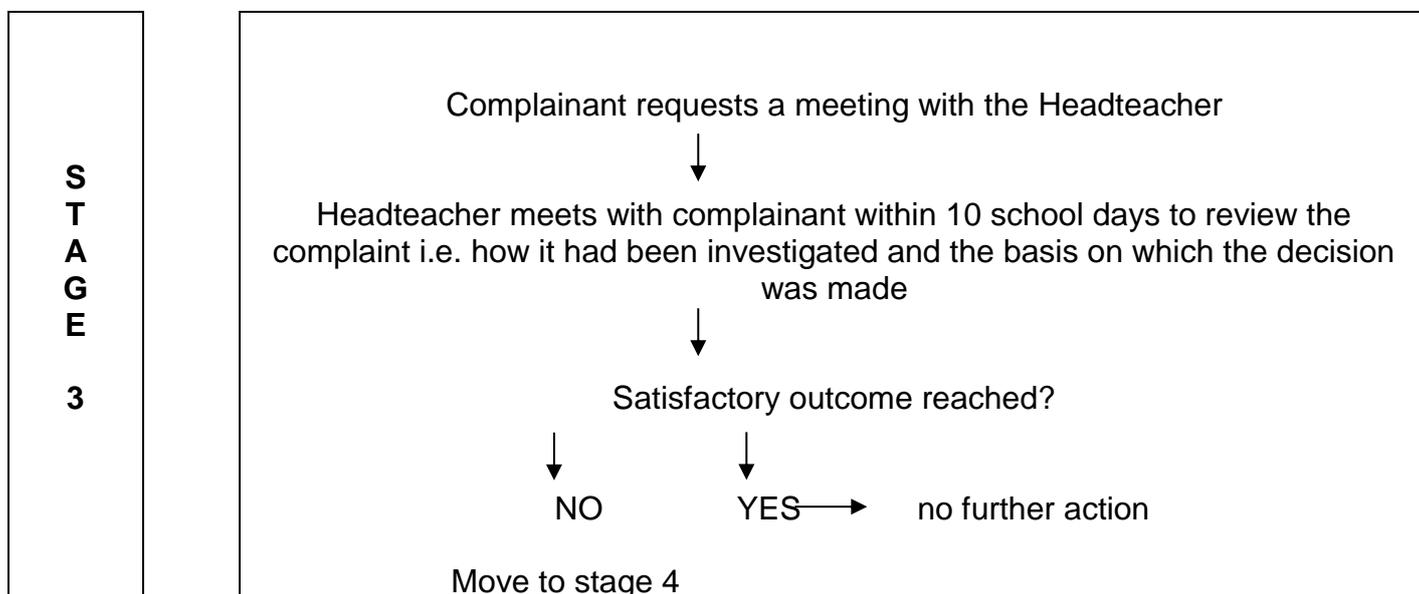
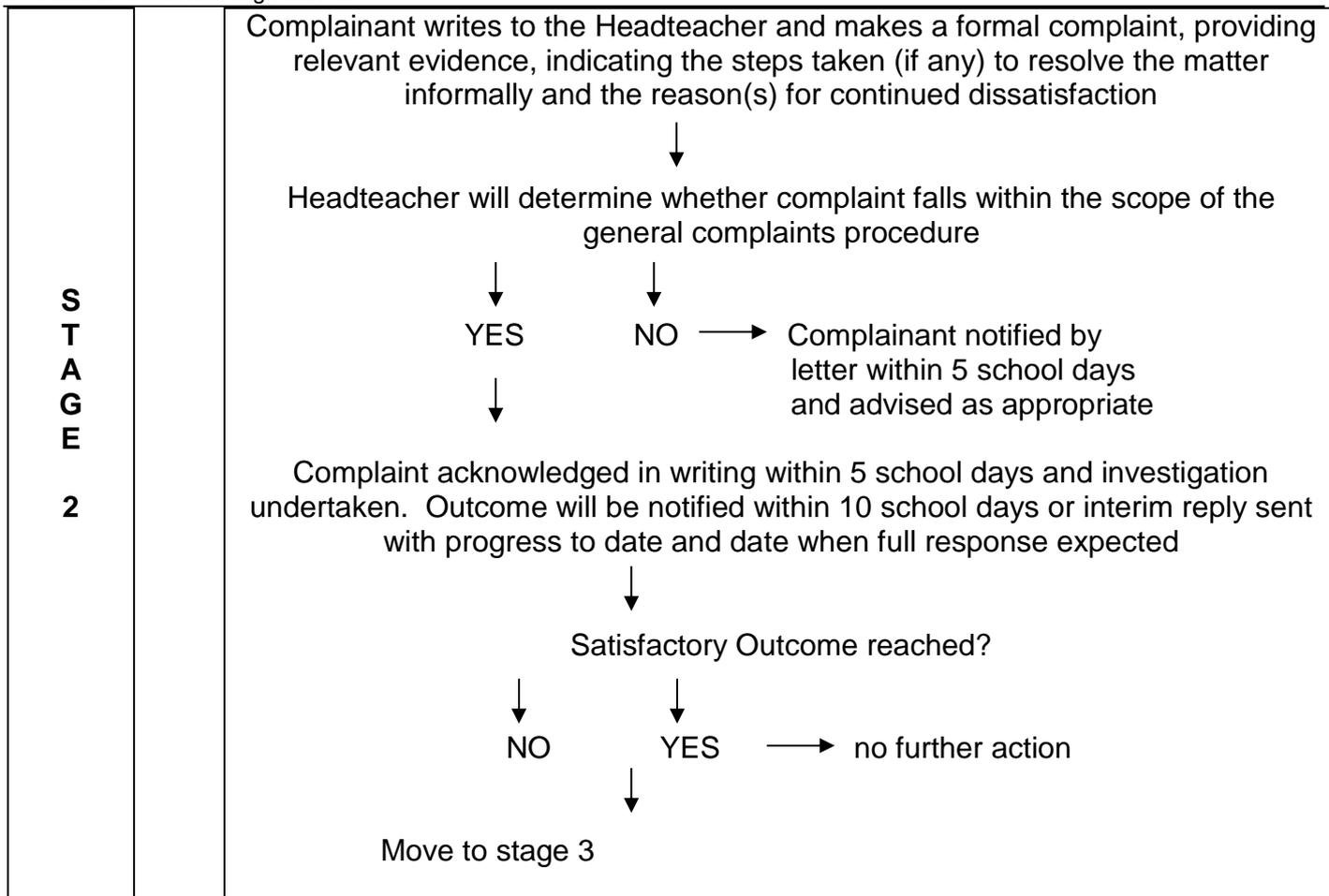
KEY PRINCIPLES AND FLOWCHART

KEY PRINCIPLES

- Complainants need to think about the nature of the complaint. Gather the facts and be clear about:
 What it is you are complaining about;
 When and where the incident happened;
 Who else was involved;
 Whether anyone saw it happen;
 Who you have spoken to already and;
 What outcome you want as a result of the complaint.
- The school will respond positively to concerns. General complaints must be made within a time limit of 12 months. Each complaint will be dealt with promptly and fairly.
- The General Complaints Procedure covers all general complaints with the exception of those listed below. It also covers community facilities or services provided by the school.
- The General Complaints Procedure will not deal with parental complaints or appeals relating to the delivery of the school curriculum/sex education/pupil admissions or exclusions/provision for pupils with special education needs/staff capability, grievance or disciplinary matters/collective worship/racial harassment/allegations of financial impropriety or child abuse. These must follow different procedures.
- Complainants will be expected to substantiate their reasons for making a general complaint against the school and provide supporting evidence as required.
- Individual staff and pupils will be entitled to have their point of view heard if they are being complained against, and their legal rights will be respected at all times.
- The outcome of an investigation into a general complaint will be conveyed to the complainant in writing, indicating the reasons for the decision and what further action (if any) will be taken by the school e.g. a change of policy or procedures.
- An apology will be sought from the complainant if it is established that the complaint was wholly unwarranted, unjustified or malicious.

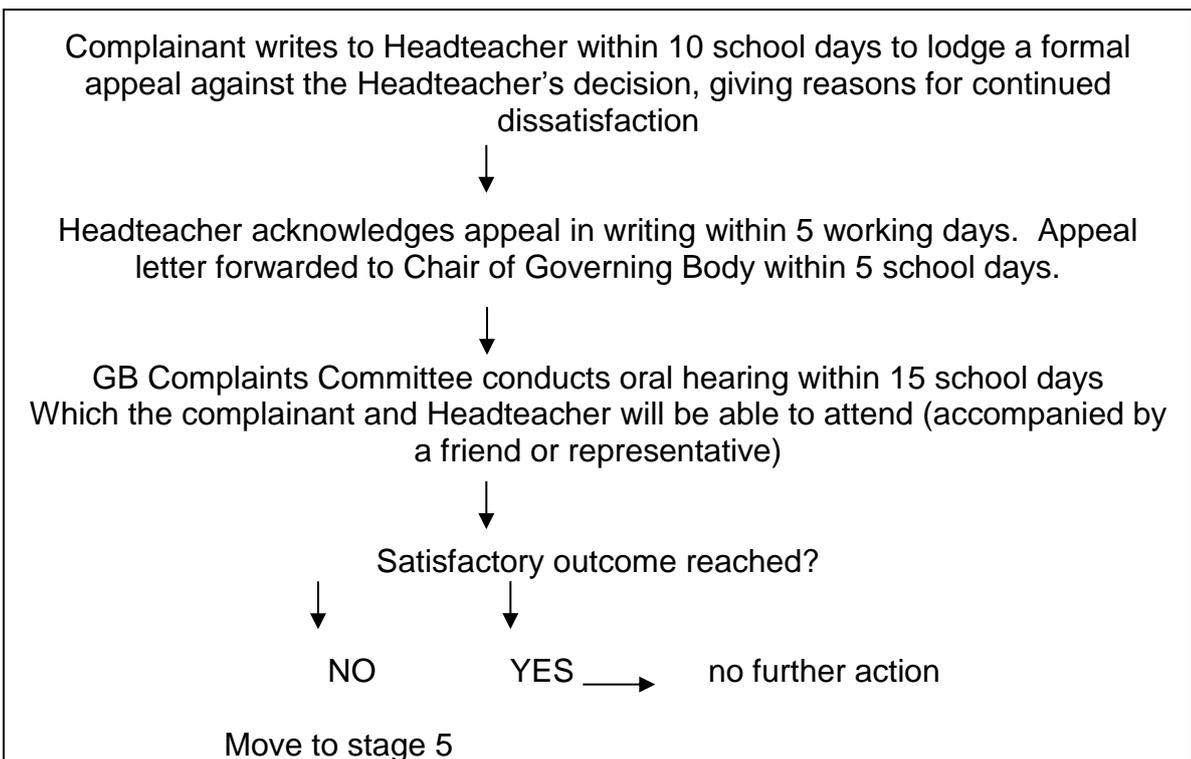
FLOWCHART





**S
T
A
G
E

4**



**S
T
A
G
E

5**

