

 <p>St Mary's Catholic High School</p>	Policy No: PP2	Revision No:	4
		Author:	Leadership Group
		Reviewed by Policies Working Party:	9 December 2020
		Validating Committee:	F&A 2 February 2020
	Complaints Policy	Minute No:	02.02.21.13.11
		Date Issued:	February 2021
		Next Review Date:	January 2023
Workload Implications Considered			<input checked="" type="checkbox"/>

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Gaudium et Spes
“Live, Love and Learn in the Light of Christ”

Introduction

As in any organisation or community, misunderstandings can from time to time arise which may lead to a parent wishing to express some concern. A concern is not a complaint and should not be treated as such by the parent or school. Only a very small number of concerns raised by parents need to be investigated using the formal procedure. When concerns are addressed and resolved there should be no need for a formal complaint. An initial request for action or an enquiry is not a complaint.

The aim of this policy is to provide a confidential, timely, impartial and effective investigation and resolution to a complaint.

This document provides advice and guidance when an external complaint has been made about the actions of school staff.

For ease of reading, the term 'parent' has been used throughout the document, to include parents, legal guardians and full time carers. All timescales are based on term time and subject to the availability of staff involved and the complexity of the issue being investigated. In some cases, should more time be necessary, a letter confirming an anticipated date of resolution will be issued to keep all parties fully informed. 'School day' means any day that the school is open to pupils.

It is important to note that anonymous complaints cannot be dealt with under this procedure.

For complaints from members of the public without a child attending St Mary's Catholic High School please see Appendix 3, which outlines the procedure that the complainant and school must follow.

Our Four Stage Procedure

The following outlines the key stages of our complaints procedure.

Stage 1 - Informal discussion

Stage 2 - Referral to the Headteacher for Investigation

Stage 3 – Review by the Chair of Governors or External Reviewer

Stage 4 – Review by Complaints Panel

Note:

- ***If a complaint is made directly against the Headteacher the procedure begins at Stage 3.***
- ***If a further complaint is made by a parent, regarding an issue which has already been referenced in an earlier complaint, the process automatically commences at Stage 3.***
- ***Both the Headteacher and the complainant may agree to skip a stage in this complaints process in order to expedite the process.***

Stage 1 – Informal discussion

In most cases complaints are successfully resolved informally by teachers, Middle Leaders and Senior Leaders. Complaints should, therefore, initially be directed to either a Head of Year, Head of Department, Assistant Headteacher or Senior Assistant Headteacher. If the complainant remains unhappy with the resolution, they can informally meet the Headteacher.

Stage 2 – Referral to the Headteacher for Investigation

If a complaint cannot be resolved in an informal way and/or the complainant still remains unhappy the Headteacher will deal with the complaint formally. The complainant will be asked to complete a complaints form (see appendix 1) which must be completed within 15 school days of the meeting with the Headteacher. A covering letter may be added. All complaints must be posted to the school and not sent by email. All communication from this point onwards must be in writing by letter only and not via email or telephone.

The Headteacher will:

- Endeavour to acknowledge this letter within two school days.
- Initiate an investigation in order to decide how best to resolve it. In complex cases this may take up to two weeks.
- Provide a written response outlining how the investigation was conducted and the outcome of the complaint. This should be within five school days of completing the investigation. See Appendix 2.
- Advise the complainant that if they are dissatisfied with the outcome they can request their complaint to be reviewed by the Chair of Governors – **Stage 3**. In some circumstances the Chair of Governors may opt to appoint an independent external reviewer with appropriate expertise to deal with the matter.
- Inform the Chair of Governors that a formal complaint has been received without discussing any detailed information of the complaint at this stage.

Stage 3 – Review by Chair of Governors or External Reviewer

The complainant will be informed that their complaint has been passed to, and how to contact, the Chair of Governors. The complainant should write to the Chair of Governors within 15 school days of receipt of the letter under stage two from the Headteacher, and that letter should include:

- Their name.
- The nature of their complaint.
- Why they were unhappy with the Headteacher's decision.
- How they can be contacted.

At this stage it is important that only the Chair of Governors or External Reviewer is involved, as other Governors may have to listen to any subsequent hearings which may result from an investigation of the complaint

The Chair of Governors will:

- Acknowledge the letter as soon as is practical. She/he would normally expect to respond within five school days.
- Conduct an investigation themselves or instruct a suitably qualified external reviewer to complete the investigation. The investigator will speak to everyone involved as soon as practicable. This will usually be within ten school days. Investigations can only take place during term time. In the event of the Chair of Governors being absent or subject to a conflict of interests, the task may be delegated to another governor (usually the Vice-Chair).
- Provide a written response outlining how the investigation was conducted and the outcome of the complaint. This is usually within five school days of completing the investigation.
- Advise the complainant that if they remain dissatisfied with the outcome they can request for their complaint to be considered by the Complaints Panel Stage 4.

If the Chair of Governors/External Reviewer is not able to resolve the complaint and/or the complainant still remains unhappy the complaint will be dealt with at Stage 4. A request to move to Stage 4 must be made within 10 school days of the Stage 3 response being received by the complainant.

Stage 4 – Review by Complaints Panel

If the complainant is dissatisfied with the outcome of the Chair of Governor's/External Reviewer's investigation and wishes to have their complaint referred to the Complaints Panel; they should write to the Chair of Governors stating why and formally request that their complaint be referred to the Complaints Panel, within 10 working days of receiving the outcome of the Chair of Governor's investigation.

The Complaints Panel will comprise of at least three people who were not directly involved in the matters detailed in the complaint. One of the panel members shall be independent of the management and running of the school. The complaints panel will be chaired by a Governor or, if appropriate, by the independent member of the panel.

A meeting of the Complaints Panel will be convened within 10 school days of the request, if appropriate, and only during term time.

At least five school days before the meeting members of the Complaints Panel should receive papers about the complaint which should include as appropriate:

- A copy of the original complaint.
- An outline of any investigation carried out by the Headteacher at Stage 2.
- A copy of the letter sent to the complainant about the outcome at Stage 2.
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Stage 2.
- A copy of the letter to the Chair of Governors requesting an investigation at Stage 3.
- An outline of the investigation carried out by the Chair of Governors/External Reviewer at Stage 3.
- A copy of the letter sent to the complainant about the outcome at Stage 3.
- A copy of the letter from the complainant expressing their dissatisfaction with the outcome at Stage 3.
- A copy of the letter requesting that the complaint is heard by the Complaints Panel.

The complainant should be invited to attend the meeting to state their case and should be offered the opportunity to be accompanied by a friend or other adult if they wish. Children should not attend. The complainant does not have to attend the meeting in which case the Complaints Panel will consider the documentary evidence provided by the complainant.

The Headteacher and/or Chair of Governors/External Reviewer will be invited to attend the meeting to state their case. They do not have to attend the meeting in which case the Complaints Panel will consider the documentary evidence relating to any investigation(s) the Headteacher or Chair of Governors/External Reviewer carried out.

The Complaints Panel may invite an external body to provide advice and guidance as required. That body will not have any role in deciding the outcome but will advise on the reasonableness of the Complaints Panel's decision.

The Complaints Panel will consider two questions only:

1. Whether the investigation(s) were conducted properly and reasonably within this procedure.
2. Whether the outcome was reasonable and appropriate

If the Complaints Panel decides the answer to the second question is no, it may decide a different outcome to the complaint.

The Panel will have an opportunity to question the complainant, Headteacher and/or Chair of Governors/External Reviewer when they have stated their cases. When the Complaints Panel is satisfied that it has all the information it needs it will consider all the evidence and decide an outcome. In the event that further information is needed and it is not available at the time the meeting may be adjourned and re-convened at a mutually convenient time. This should be as quickly as possible and wherever practicable within five school days.

When the Complaints Panel has all the information it needs the complainant, Headteacher and/or Chair of Governors will leave the meeting. The Complaints Panel will then reach its decision in private. It will decide:

- Whether the earlier investigation(s) were conducted appropriately and reasonably.
- Whether the decision of the Headteacher and/or Chair of Governors was reasonable and appropriate.
- Where appropriate an alternative outcome to the complaint.

The complainant will be informed of the Complaints Panel's decisions in writing within two school days. Where possible the panel's decision will be conveyed at the meeting.

The panel can only consider information which has been presented in accordance with this defined procedure.

Appendix 1

FORM OF COMPLAINT

By completing this form you are triggering Stage two of the formal complaints procedure. When you have filled in this form, take it or send it to the Headteacher.

Please continue on a separate sheet of paper if necessary.

1. **Name** _____

2. **Address**

3. **Telephone number: at home:** _____ **at work:** _____

(If you do not have a telephone but can be contacted through a friend or neighbour please give their name and telephone number)

4. **If pupil related, relationship to child**

5. **Brief details of the complaint**

6. **To what date or period of time does your complaint relate?**

7. **To whom have you already complained informally and when?**

8. **Please give details of any more information you have to back up your complaint, such as letters or reports. If you cannot send photocopies, please send your original paper, which will be photocopied and returned to you.**

9. Do you have a solution that you wish to suggest?

Signed _____ Date _____

***Note – Stage 1 must be complete before starting Stage 2 of the procedure**

Appendix 2

Investigation report

Introduction	Investigation authorised by:
	Investigator:
	Date investigation began:
	Terms of reference:
	Background to the investigation:

Process of investigation	The investigation process:
	Evidence collected:

	Evidence not collected:
	Persons interviewed:
	Persons not interviewed:
	Anonymised statements:

The investigation findings	Summary of written and physical evidence:
	Summary of witness evidence:
	Facts established:
	Facts that could not be established:
	Mitigating factors:

	Other relevant information:
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Conclusion [if required]	Recommendation:
	Formal action/Informal action/No action required
	Further details on recommendation:
	Investigator's signature:
	Date:

Supporting documents	
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APPENDIX 3

Complaints from Members of the Public

Stage One

- 1.1 Complaints from anyone who does not have a pupil attending St Mary's Catholic High School must be made in writing and addressed to the Headteacher.
- 1.2 The Headteacher is responsible for considering the complaint and investigating concerns, taking the factuality, nature and context of the complaint into consideration.
- 1.3 All complaints will be responded to within 15 school days. The complainant will be provided with an explanation, including the reason behind the decision made and what action is to be taken next.
- 1.4 Where the complainant is not satisfied with the outcome provided by the Headteacher, the steps outlined within Stage 2 should be followed.

Stage Two

- 2.1 The complainant should write to the Chair of Governors within 15 school days of receipt of the letter under Stage 2 from the Headteacher, and that letter should include their name, the nature of their complaint why they were unhappy with the Headteacher's decision and how they can be contacted.
- 2.2 The Chair of Governors will acknowledge the letter as soon as is practical. S/he would normally expect to respond within five school days. In the event of the Chair of Governors being absent or subject to a conflict of interests, the task may be delegated to another governor (usually the Vice-Chair).
- 2.3 The Chair of Governors will conduct an investigation themselves and speak to everyone involved as soon as practicable. This will usually be within ten school days. Investigations can only take place during term time.
- 2.4 The Chair of Governors will provide a written response outlining how the investigation was conducted and the outcome of the complaint. This is usually within five school days of completing the investigation.
- 2.5 Advise the complainant that if they remain dissatisfied with the outcome they can lodge a complaint with the Education and Skills Funding Agency (ESFA). The consent form can be found at <https://form.education.gov.uk/en/AchieveForms/>