



Complaints Procedure - Staff

Date approved: May 2014
Signed by Chair of Governors: Mr Paul Rossi

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Date approved: May 2014
Signed by Headteacher: Mr Sean Hayes

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Reviewed: May 2017
Next Review: May 2020



St John Fisher
Catholic High School

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Complaints Procedure (Staff)

The Governors expect that any concerns expressed by parents and others about the school will be received in a spirit of openness, in keeping with the Catholic ethos and Mission Statement of the School. They further expect that most matters will be dealt with in informal discussions, directly with the parties concerned in the first instance or alternatively with the Headteacher. This is the informal stage.

Whilst the Governors are responsible for the overall conduct of the School, the Headteacher is responsible for the internal organisation and management of the School. Any complaint about a member of staff must be addressed to the Headteacher before it can be taken up in any other forum. It must be understood that a complaint of this kind which is taken up with a Governor will always be referred back to the Headteacher

The following are **not covered** by this policy since they are handled by discrete statutory procedures:

- **Choice of school.** The Education (No. 2) Act, 1986, (Section 7 and Schedule 2) gives parents the right to appeal to an independent appeal committee against the decisions of the Governing Body to refuse to offer a place at the school. (*Further guidance on this is available from the Diocesan Schools Commission.*)
- **Exclusion from school.** The Education (No. 2) Act, 1986, (Sections 23, 25 and 27) gives parents the right to make representations to the Governing Body about exclusions from school and, where the Governing Body upholds the decision of the Headteacher to exclude a student permanently, to appeal to an independent appeal committee.
- **Special Educational Needs.** The Education Act, 1993, (Sections 169 & 170) allows parents to appeal to a special educational needs tribunal against the decisions by a local education authority (LEA) regarding statutory assessments and statements.
- **Temporary Disapplication of the National Curriculum.** The Education Reform Act, 1988, Section 19, gives parents the right of appeal to the Governing Body where the Headteacher decides that the national curriculum will not apply to individual students.
- **Complaints about the Curriculum.** The Education Reform Act, 1988, Section 23 requires schools to have in place arrangements whereby parents may complain about the delivery of the National Curriculum.
- **Public Examination Results.** Complaints about the award of grades in public examinations must be taken up with the appropriate examination board.
- **Issues arising from the annual meeting for parents.** A quorate meeting of the annual meeting for parents may pass resolutions on issues which must be considered by the Governing Body or passed on to the relevant authority to be considered if the governing body is not responsible for the issue. A report on the outcome must be given in the following year's annual report.

GENERAL PRINCIPLES

Principles

An effective Complaints Procedure will:

- encourage resolution of problems by **informal** means wherever possible
- be easily **accessible** and **publicised**
- be **simple** to understand and use
- be **impartial**
- be **non-adversarial**
- allow **swift** handling with established **time limits** for action and keeping people informed of the progress
- ensure a full and **fair** investigation by an independent person where necessary
- respect people's desire for **confidentiality**
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary

provide **information** to the school's senior management team so that services can be improved.

Investigating Complaints

At each stage, the person investigating the complaint should make sure they:

- 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
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- keep notes of the interview.

Resolving Complaints

At each stage in the procedure school will want 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
- 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 light of the complaint.

It would be useful if complainants were 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.

An effective procedure will 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

If properly following, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been 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.

Time Limits

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. 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.

MANAGING AND RECORDING COMPLAINTS

Recording Complaints

The school should record the progress of the complaint and the final outcome. A complaint may be made in person, by telephone, or in writing. At the end of a meeting or telephone call, the member of staff should 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 should be kept and a copy of any written response added to the record.

The Headteacher is responsible for the records and hold them centrally.

Governing Body Review

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 may not name individuals.

Publicising the Procedure

There is a legal requirement for the Complaints Procedures to be publicised. Details of the Complaints Procedure will be included in the following:

- the school prospectus
- the information given to new parents when their children join the school
- documents supplied to community users including course information or letting agreements.
- on the school's website

Complaints Procedure – Formal Stage

Where it is acknowledged that a matter has become a formal complaint (i.e. it has not been resolved informally) the following procedures will apply:

PROCEDURE FOR RESPONDING TO COMPLAINTS

To the Headteacher (Preliminary Stage)

1. The complainant shall submit a formal complaint, **in writing**, to the Headteacher. The submission should state clearly that it is a formal complaint and specify its nature as exactly as possible.
 2. The Headteacher should acknowledge this, in writing, within three school days.
 3. An interview should be arranged with the complainant, who may be accompanied by a friend, and the Headteacher within ten school days during which time an investigation may take place.
 4. The interview shall be attended by a clerk who shall take a formal note of the proceedings including:
 - the nature of the complaint
 - a summary of steps taken at the informal stage to resolve it
 - the outcome of the investigation
 - the response of the Headteacher
 5. Where further investigation is required, or advice sought, this should be noted and a timescale agreed. A second meeting may be required and, wherever possible, the date fixed at the first meeting.
- N.B. (i) Where the complaint is against the Headteacher, the complaint should be made directly to the Chair of Governors.
- (ii) If the complainant and Headteacher agree that a named third party could broker an agreement this will be allowed, without prejudice to the right to refer the matter to the next formal stage.

To the Governing Body

1. Where it is agreed that the complaint cannot be resolved at the preliminary stage it should be referred to a committee of the Governing Body to be heard within 21 school days.
2. The Governors (through Chair of Personnel and Staffing) shall establish a complaints committee of three of their number who have no previous knowledge of the complaint.
3. The Governors' Complaints Committee shall follow the procedure at Appendix A.
4. The outcome of the Governors' hearing shall be notified to the complainant, Headteacher and Chair within two school days of the hearing.

Checklist for a Panel Hearing

The panel needs to take the following points into account:

- The hearing is as informal as possible.
- The witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Headteacher may question both the complainant and the witnesses after each has spoken.
- The Headteacher is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Headteacher and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The Chair explains that both parties will hear from the panel within a set time scale.

The Governing Body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures
- hearing individual appeals
- making recommendations on policy as a result of complaints

The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

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.

There are several points which any governor sitting on a complaints panel needs to remember:

- a) It is important that the appeal hearing is independent and impartial and that it is seen to be so. No governor may 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 need to try and 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 hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the 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 panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents 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 is needed to ensure the setting is informal and not adversarial.
- d) Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and given them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e) The Governors sitting on the panel need to be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

It is strongly recommended that any panel or group of Governors considering complaints be clerked. The Clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send 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 panel's decision.

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

The nominated Governor role:

- check that the correct procedure has been followed
- if a hearing is appropriate, notify the clerk to arrange the panel

The Role of the Chair of the Panel

The Chair of the Panel has a key role, ensuring 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 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 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 it would be useful to give all parties the opportunity to consider and comment on it.

Notification of the Panel's Decision

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is usually within a set deadline which is publicised in the procedure. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Reviewed by the Governors Personnel Committee: May 2014

Next Review Date: May 2020

Staff Member Responsible: Business Manager

APPENDIX A

Procedure for hearings by the Governing Body's Complaints Committee

1. All business connected with the hearing should be discussed in the presence of all concerned, except when the governors consider their decision. A note will be taken of the proceedings by the Clerk to the Governors.
2. The Chair introduces those present and outlines the procedure to be followed, including a summary of the steps taken prior to this stage.
3. The Chair invites the complainant to state the complaint and call any witnesses.
4. The committee may ask questions of the complainant and the witnesses. The Headteacher may also ask questions if appropriate.
5. The Chair invites the Headteacher to make a statement in response.
6. The complainant and the committee may ask questions of the Headteacher.
7. All parties should withdraw with the exception of the Clerk to the Governors and any advisors. The Chair should advise those present that the outcome will be given in writing within two days.
8. Where the complaint is against the Headteacher, he or she shall have the right to be accompanied or represented. It should be clearly understood that a complaints committee has neither the powers nor the duties of a discipline committee and has no authority to apply any sanction to any employee of the Governing Body.

APPENDIX B

SCHOOL COMPLAINTS PROCEDURE

Summary of the Procedure for Dealing with Complaints

