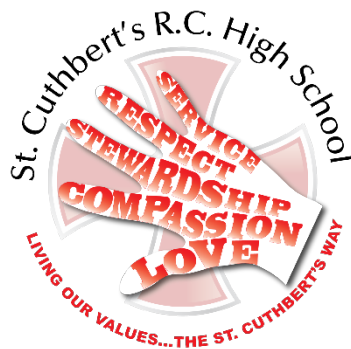




**St. Cuthbert's**  
Roman Catholic High School

# **WHOLE SCHOOL POLICY & PROCEDURES**

## **COMPLAINTS PROCEDURE**



### **Mission Statement**

*'The Lord God requires of us that we should help others whenever we can,  
always make the right choices and be the best that we can be in everything that we do'.*

Policy: Complaints Procedure		
Type: School Policy	Website: Yes	Author: Mr D Shields
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Notes:		

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## COMPLAINTS PROCEDURE

### Aim

The policy of the school is to work in partnership with parents and is based on the belief that co-operation and a sense of joint purpose between staff, parents and the school will assist in ensuring open and positive relationships. From time to time, however, parents or members of the public may express concern or make a complaint, either orally or in writing, about some aspect of the conduct/operation of the school, the conduct of the Headteacher, an individual member of staff, the Governing Body or an individual governor. The school will ensure that these are dealt with effectively and with fairness to all parties. **Where possible, complaints will be resolved informally** (see Section B). Where a complaint has not been resolved informally, then the formal procedures set out in Sections C, D and E will be followed.

### A COMPLAINTS

- 1 For the purposes of this procedure, a *concern* is defined as ‘an expression or doubt over an issue considered to be important for which reassurances are sought’. A *complaint* is defined as ‘an expression of dissatisfaction however made, about actions or lack of action’ about the conduct/operation of the school, the conduct of, actions or lack of action by a member of staff or by the Governing Body/an individual governor, unacceptable delay in dealing with a matter of unreasonable treatment of a pupil or other person.
- 2 This procedure does not cover complaints under legislation for which separate arrangements are in place for example those relating to, sex education, collective worship, school admissions, pupil exclusions and the statementing procedures for special educational needs.
  - a. This procedure does not cover staff grievances, ‘whistleblowing’ by an employee, financial claims (see Section B8), staff not employed in the school (e.g. SEN Support Services staff) or complaints about a function of the Municipal Council.
  - b. Serious complaints or allegations relating to the abuse of children, assault, criminal, or financial matters are also the subject of separate procedures, which may involve other agencies (see Section C).
- 3 Complaints or expressions of concern, as defined in A(1) above made by parents or other members of the public will be referred to the Headteacher or Deputy Headteachers (other than complaints or concerns about the Headteacher – see Section A5) even where the initial point of contact has been the Chair of the Governing Body or an individual Governor, a Local Authority Officer, a local Education Office, a Diocesan Officer or an elected member. Governors who wish to raise concerns about a member of staff must refer them to the Headteacher and **must not** raise them at a Governors’ meeting in order to avoid any discussions by potential members of a Disciplinary, Appeals or Complaints Committee. The Headteacher may, where appropriate, delegate the informal stage procedures (see Section B) to the Deputy Headteacher. The Headteacher but may not delegate the formal stage procedures (see Section D).

- 4 All complaints or expressions of concern, as defined in A(1) above made about the Headteacher must be referred to the Chair of Governors. This includes concerns by Governors.
- 5 It is good practice to ensure that complaints are dealt with as speedily as possible. In this procedure it is recommended that **each stage** of the procedure is completed, as far as is possible, within 15 working days. If a member of staff is the subject of a complaint he/she will be involved at the earliest opportunity.
- 6 Where it is clear that a complainant does not wish to pursue or wishes to withdraw a complaint, it is recommended that a written record is made of the complainant's decision.
- 7 A record of formal complaints, how they were dealt with and the outcome will be maintained in a school and should be made available for inspection by the Local Authority/Ofsted.

## **B. INITIAL INFORMAL STAGE**

This stage should be completed within 15 working days of the receipt of the complaint, as far as is possible.

1. On receiving a complaint or expression of concern, the Headteacher will acknowledge the complaint/concern and will make enquiries, to establish the facts, with a view to resolving the matter on an informal basis. If the complaint is about a member of staff he/she will be informed of the details in all circumstances and invited to respond. A copy of any written complaint will be provided. The Headteacher must remind the member of staff that he/she may seek advice from his/her professional association/union or other adviser before responding, and give a copy of this procedure to the member of staff.
2. In the light of the enquiries, the Headteacher will decide how to respond to the complaint. In cases of complaints about a member of staff, the Headteacher will make the member of staff aware of the explanation/response to be made to the complainant.
3. The Headteacher will make a response to the complainant (in writing, if appropriate, with a copy to the member of staff). The complainant will be asked if he/she accepts the explanation and any member of staff who is the subject of the complaint so advised. It may be necessary for the Headteacher to offer counselling or guidance to the member of staff concerned.
4.
  - a) Where the explanation is accepted by the complainant the matter will be regarded as resolved.
  - b) Where the explanation is not accepted, the complainant has a right to refer the matter to the school's formal complaint procedure if he/she so wishes (see Sections D/E).
  - c) In the case of either (a) or (b) any member of staff who is the subject of the complaint will be informed of the outcome.

5. If the complaint is about a member of staff the Headteacher will inform him/her of any subsequent actions intended, including any action under disciplinary or competence procedures. Such action will only be undertaken when the complainant has accepted the explanation and the complaint has been resolved. Where the complaint has not been resolved, any action will be deferred until the appropriate stages in this procedure have been exhausted, in order to protect the interests of the member of staff and to avoid prejudicing the final solution of the complaint.
6. Any complaint judged by the Headteacher to be serious will be dealt with under Sections C or D.
7. Anonymous complaints cannot normally be dealt with unless they are sufficiently serious to refer under Section C.
8. Any aspect of a complaint relating to a potential financial claim against the school/Municipal Council must be referred immediately to the Local Authority. Other aspects of the complaint should be dealt with in accordance with this procedure.
9. In the case of a complaint about the Headteacher, this informal stage, as outlined in B1 to 6 above, will be undertaken by the Chair of Governors who should seek the support of the school's LA HR Officer as appropriate.
10. In the case of a complaint about the conduct of a governor or the Governing Body, this informal stage will be undertaken by the Chair of Governors who should seek the support of the Local Authority Human Resources Officer (LA HR Officer), as appropriate. Complaints about the Chair of Governors should be made to the Clerk to the Governors who should seek advice from the Diocesan/LA Officer.
11. Complaints will be resolved to the satisfaction of a complainant through the offer and acceptance of one or more of the following:
  - an apology
  - an explanation
  - an admission that the matter may have been handled differently or better
  - an explanation of the steps that have been taken to ensure that the situation will not happen again
  - an undertaking to review school policies and procedures in light of the complaint

It is important to explore with the complainant the expected outcome(s) of a complaint or concern to prevent an escalation to more formal stages of this procedure.

### C. SERIOUS ALLEGATIONS OR COMPLAINTS

1. If the allegations refer to criminal activity which may require the involvement of the Police, the Headteacher will inform the Chair of Governors and seek the advice of the LA HR Officer so that appropriate action can be taken
2. If the allegations relate to financial or accounting irregularities involving misuse of public funds or assets or any circumstances which may suggest irregularities affecting cash, stores, property, remuneration or allowances, the Headteacher will inform the Chair of Governors and seek the advice of the LA HR Officer so that the complaint can be investigated under the procedures normally applied for suspected financial irregularities.
3. If the allegations relate to the abuse of children, the Headteacher should seek the advice of the LA HR Officer and/or other agencies. Serious allegations of this nature **must** be referred under Safeguarding and Child Protection Procedures to the Social Services Department. The Safeguarding and Child Protection Policy will be followed.
4. In all the above, consideration will need to be given to the possible suspension from duty, on full pay, of any member of staff concerned in accordance with the School's Disciplinary Procedure. Investigations at school level and the stages set out in this procedure are unlikely to proceed where external agencies are involved. Subsequently, an internal school investigation and other procedures (e.g. Disciplinary) may be involved.

### D. FORMAL STAGE

This stage should be completed within 15 working days, as far as is possible.

1. Where a complaint or expression of concern has not been resolved, the Headteacher will establish, as soon as possible, whether the complainant wishes to make a formal complaint. The Headteacher must ensure that the complainant is aware of the procedures for making a complaint by giving them a copy of this document and of any assistance or advice that is available. At this stage, the complaint must be recorded in writing either by, or on behalf of, the complainant and should be submitted to the Headteacher as soon as possible. It is not appropriate for the Headteacher to assist personally in writing of the letter of complaint. The complaint should be formally acknowledged by the Headteacher who should tell the complainant that, if the complaint is about a member of staff he/she will be given a copy of the complaint. In respect of any potential financial claim refer to Section B8.
2. If the complaint is about a member of staff the Headteacher must:
  - Inform the member of staff of the complaint at the earliest opportunity;
  - Advise the member of staff to consult with a friend or representative of their professional association/union;
  - Ensure that a copy of the complaint is given to the member of staff as soon as it is received;
  - Ensure that a copy of this procedure is given to the member of staff.
3. The Headteacher will arrange for a full investigation of the complaint, seeking the advice of the LA HR Officer as required. The investigative process will involve

- A definition of the area/topics to be investigated;
- The collection of evidence;
- Interviews with staff and pupils, with written statements being taken or made;
- If appropriate, an interview with the member of staff against whom the complaint is made, accompanied by a friend or representative if he/she so wishes.

#### 4. GENERAL COMPLAINTS

- a) At all stages the complainant will have adequate opportunity to take advice and be represented.
- b) Upon completion of the investigation, the Headteacher will compile a report and consider whether further actions should be taken.
- c) The Headteacher will advise the complainant in writing of the action taken or to be taken to resolve the complaint. Where the Headteacher considers that no further action is required or that the complaint is unsubstantiated, the complainant will be advised, in writing, and informed of the right of appeal to the Governing Body (see Section E).
- d) The Chair of Governors will be informed of the complaint and the action taken/to be taken but **care should be taken not to discuss the matter in detail** to avoid prejudicing the position of the Chair in any possible subsequent appeal to the Governing Body.

#### 5. COMPLAINTS ABOUT A MEMBER OF STAFF

- a) The interview with the member of staff will set out the background and grounds of the complaint and provide the opportunity for the member of staff to respond if he/she wishes. Notes will be taken and a copy provided to the member of staff after the interview.
- b) At all stages, both the complainant and the member of staff will have adequate opportunity to take advice and be represented by a friend or representative.
- c) Upon completion of the investigation, the Headteacher will compile a report and will consider, in consultation with the LA HR Officer, whether further action will be taken, including possible action under the School's Disciplinary or Capability Procedures.
- d) The Headteacher will make the member of staff aware of the response to be made before advising the complainant in writing of the action taken, or to be taken, to resolve the complaint (with a copy to the member of staff). Where the Headteacher considers that no further action is required or that the complaint is unsubstantiated, the complainant and the member of staff will be advised in writing. The complainant will be informed of the right of appeal to the Governing Body (see Section E). The member of staff will also be informed of the right of the complainant and any response which may be received.



- e) The Headteacher will inform the member of staff, in writing, of any subsequent action he/she intends to take. If action is to be taken under disciplinary or competence procedures the advice of the LA HR Officer will be sought, and that of the Diocesan Officer. In the case of teachers, the School's Disciplinary and Dismissal Procedures would normally be entered at Section 5.4 of the Procedure (the point of decision on what further action is appropriate). Such action will only be undertaken when the complainant has accepted the explanation and the complaint has been resolved (see d). Where the complaint has not been resolved, any action will be deferred until the final stage of this procedure has been exhausted, in order to protect the interests of the member of staff and to avoid prejudicing the final resolution of the complaint.
- f) The Chair of Governors will be informed of the complaint and the action taken/to be taken, but **care should be taken not to discuss the matter in detail** to avoid prejudicing the position of the Chair in any possible subsequent referral to the Governing Body.
- g) Where a complaint concerning the Headteacher is made under this formal stage it must be referred to the Chair of Governors. In dealing with this matter, the Chair should first seek the advice of the LA HR Officer who may, if requested, act on the Chair's behalf in carrying out the investigation in accordance with the procedures set out in this section.

## 6. COMPLAINTS ABOUT A GOVERNOR OF THE GOVERNING BODY

- a) Complaints about a governor or the Governing Body must be referred to the Chair of Governors. In dealing with this matter the Chair will first seek the advice of the LA HR Officer who may, if requested, act on the Chair's behalf in carrying out the investigation.
- b) Complaints about the Chair of Governors must be referred to the Clerk to the Governors who should seek advice from the LA HR Officer.
- c) Upon completion of the investigation, a report will be compiled and the Chair of Governors with advice from the LA HR Officer will consider whether further action should be taken.
- d) The Chair of Governors, LA HR Officer, as appropriate, will advise the complainant in writing of the action taken or to be taken to resolve the complaint. Where it is considered that no further action is required or that the complaint is unsubstantiated, the complainant should be advised in writing and informed of the right of appeal to the Governing Body (see Section E).

## **E. APPEAL STAGE – GOVERNORS’ COMPLAINTS (APPEALS) COMMITTEE**

Complaints which have not been resolved should be considered by the Governors’ Complaints Appeals Committee within 15 working days, as far as is possible.

1. The Committee will consider complaints where the Headteacher, or Chair of Governors, in respect of complaints about the Headteacher, is not able to resolve the complaint to the satisfaction of the complainant and the complainant exercises the right of appeal to the Governing Body. Any appeal must be in writing.
2.
  - a) The Governing Body will establish a Committee for the purpose of hearing and resolving complaints. This may be a Standing Committee or an existing Committee to which additional terms of reference are added. However, it must be a separate Committee from the School’s Disciplinary/Dismissal/Appeals Committees. It will consist of, at least, three Governors. The Headteacher will not be a member of this Committee since he/she will be presenting a report to the Committee. Any Governor who is the subject of a complaint should not be a member of the Complaints Appeals Committee for the purposes of considering that particular complaint.
  - b) It is likely that the Chair of Governors will have been involved, previously, in the matter. In these circumstances, and particularly in the cases of a complaint against the Headteacher, the Chair will not be a member of the Committee.
  - c) The LA HR Officer will be able to offer advice.
  - d) Under the Education (School Government) (England) Regulations 1999 a governor should not participate in any meeting of the Committee where the principles of natural justice require a fair hearing and there is reasonable doubt about the governor’s ability to act impartially.
3. The Committee will consider the written materials or a hearing will be arranged, if requested, by the complainant, the Headteacher, the person who is the subject of the complaint or at the discretion of the Complaints Appeals Committee.
4. The recommended procedure for considering the complaint is as follows:
  - a) The Headteacher will prepare a report together with any supporting documents.
  - b) The Clerk to the Governors will circulate the complaint and the Headteacher’s report to the Committee and all parties involved, at least 5 working days before the hearing.
  - c) The complainant and the Headteacher may each be accompanied by a friend or representative.
  - d) In the case of a complaint about a member of staff, the member of staff against whom the complaint was made and/or her friend or representative, shall be entitled to attend as an observer.

- e) The complainant and the Headteacher may request witnesses to be called to provide evidence. Witnesses may be allowed at the discretion of the Committee.
  - f) The complainant or his/her representative will be entitled to present his/her case and any supporting documents to the Committee.
  - g) The Headteacher will be entitled to question the complainant and any witnesses.
  - h) The Headteacher will present his/her report on the investigation to the Committee, together with any supporting documents, and any action taken to resolve the complaint.
  - i) The complainant or his/her representative will be entitled to question the Headteacher and any witnesses.
  - j) At any stage during the hearing the members of the Committee will be entitled to question the Headteacher, the complainant and any witnesses.
  - k) Any reasonable request for an adjournment should be allowed at the discretion of the Chair.
  - l) The Headteacher followed by the complainant or his/her representative, will be allowed to make a closing statement.
  - m) On conclusion of (a) to (i) the Headteacher, the member of staff (if present), the complainant and any representatives will withdraw from the meeting and the Committee will reach a decision, in private. Advice given by the Diocesan representative will be available to the Committee.
5. At the end of the hearing the Committee will determine whether:
- To confirm the action taken by the Headteacher;
  - To refer the matter back for further consideration by the Headteacher, with the grounds for the referral back (for example, the emergence of new or additional information).
6. The complainant and the Headteacher will normally be advised orally by the Committee of the outcome of the hearing and, subsequently, in writing within 5 working days. The Headteacher will ensure that, if a member of staff was involved in the original complaint, he/she is given a copy of the Committee's decision.
7. In cases where the matter has been referred back to the Headteacher, the Committee will reconvene to consider a report from the Headteacher on his/her further consideration and/or any action taken, in order to enable them to respond to the complainant.
8. In the case of a hearing concerning a complaint about the Headteacher, the same procedure as set out in E4 to 7 will be followed, except that the Chair of Governors or his/her nominee will undertake the role ascribed to the Headteacher and the Headteacher the role ascribed to the member of staff.

9. The procedure for considering a complaint about a governor or the Governing Body will follow the procedure set out in E4 to 7, except that the Chair of Governors or the Diocesan Officer will undertake the role ascribed to the Headteacher. Different officers will be available to advise the Committee.
10. There will be no further right of appeal to the Governing Body.

#### **11. Records of Governing Body Complaints (Appeals) Committee Meetings**

Any meeting of the Complaints Appeals Committee will be independently clerked (normally by the Clerk to the Governors). Minutes and records will be recorded, reported and held as part of the Governing Body records, as a confidential item. A brief record will be made in the complaints register.

#### *Summary of Stages*

Informal stage heard/ investigated by Deputy Headteachers, as appropriate.  
Formal complaint heard/investigated by Headteacher  
Formal complaint heard by Chair of Governors  
Formal complaint heard by Governors' Complaints (Appeals) Committee

#### **F. Review**

This procedure will be the subject of review in the light of Section 29 of the Education Act 2002 and the Department for Education Best Practice Advice for School Complaints Procedures 2016.