

Convent of Jesus and Mary Language College

Complaints Procedure

2015



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(Complaints Co-ordinator: Mr. D. Haran)

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1. INTRODUCTION

No-one likes criticism, but an open organisation is always willing to listen to concerns and anxieties and ready to learn from them, if appropriate. In a school, most concerns are expressed by pupils' parents or carers, though some may come from pupils themselves, parishioners and other interested parties, such as neighbours or users of the premises.

In a Catholic school such as the Convent of Jesus and Mary Language College, parental/carers concerns are of particular importance. As the first educators of their children, parents/carers have a duty to take an active interest in their school. "Since parents have given children their life, they are bound by the most serious obligation to educate their offspring." (*Gravissimum Educationis*). To this end, "there must be the closest co-operation between parents/carers and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents and willingly listen to them." (Can.796). Dealing with parental/carer concerns is an intrinsic part of the school's ethos and mission.

Nearly all concerns or questions can be resolved very quickly and informally, if parents/carers feel able to voice them as soon as they arise. Obviously, the more information the school provides to parents/carers, the less scope there is for misunderstanding.

Parents /carers should be told that feedback is always welcome and that they are warmly encouraged to voice any concerns as they arise, preferably to the person concerned. In most cases, discussion, explanation, further information – and an apology, if appropriate – will resolve the issue. There is no need for concerns raised informally to be in writing – they can be made in person or over the telephone.

Every effort should be made to allay concerns at this level and with the least possible formality. The ideal is that no concern should ever become a formal complaint.

Occasionally a concern will be too serious to be handled in this way, perhaps needing more investigation; or the person concerned may not feel that the answers given so far have been acceptable or adequate. In such circumstances, the concern will become a **complaint** and the formal procedure should be rigorously followed. Even in these cases, every effort should be made to resolve the issue at the lowest possible level of the procedure. It should be very rare indeed that a complaint needs to be decided by a Complaint Panel Hearing.

It is very important that all Governors and members of staff be familiar with the school's Complaints Procedure and that they know who the Complaints Co-ordinator for the school is, so that they can refer complaints to that person when approached by someone with a complaint.

In all circumstances, the school's published Complaints Procedure must be followed closely. Should difficulties arise, advice can be sought from the Diocesan Education Service. The school's Complaints Procedure is modelled on the Diocese of Westminster School Complaints Procedure and is compliant with the Education (Independent School Standards) (England) Regulations 2010 ("the Regulations").

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2. THE FORMAL PROCEDURE

2.1 Principles

At every stage of the formal procedure, the handling of the complaint will be:

- swift (using agreed time limits);
- fair (using independent investigation where necessary);
- confidential;

Throughout the process, the school will be willing to:

- listen;
- learn;
- admit mistakes;
- apologise, if appropriate;
- address any issues raised;
- change school practice, if appropriate.

In using this procedure:

- staff are asked to be aware that complainants will often feel intimidated by the school as an institution and unsure whether they will be treated fairly;
- complainants are asked to be aware that those complained about, especially individual members of staff, will often feel very vulnerable during this process.

Throughout the process, the aim of all parties should be not only to resolve the complaint, but also to develop and sustain good relationships between all members of the school community. However formal or serious the complaint, or however dissatisfied the complainant, the aim will always be reconciliation between all parties and a renewed commitment to work together amicably. The gospel values of justice and forgiveness should always underpin the entire process.

2.2 This Complaints Procedure does not apply to:

- members of staff (who should use their own Grievance Procedure);
- staff to staff complaints;
- procedures with their own appeal structure e.g. admissions and exclusions;
- concerns about the delivery of the National Curriculum; or
- collective worship.

It is also totally separate from any Disciplinary or Capability Procedures. If the investigation of any complaint were to lead to concerns on the part of the Headteacher or Governors about the capability or conduct of a member of staff, these would not be discussed or managed within this procedure.

2.3 Outline of the Procedure

There are three stages to the formal procedure:

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Stage 1

Complaint Heard by a Member of Staff (Not the Subject of the Complaint).

The school has a designated Complaints Co-ordinator, to whom all complaints will be addressed in the first instance.

The member of staff designated as Complaints Co-ordinator is someone held in high professional esteem by staff, Governors and parents.

The Complaints Co-ordinator will either hear a complaint personally or, where appropriate, refer the matter to another member of staff. The Complaints Coordinator will also keep records of each complaint and of action taken as a result (see Appendix A for the approved template) in accordance with the Regulations and so that the senior managers and Governors of the school can be kept informed of all issues that arise and can change or develop school practices where necessary or appropriate. Thus, complaints about the school can be used positively as a self-evaluation tool.

Stage 2

Complaint heard by the Headteacher.

Stage 3

Complaint heard at a Complaint Panel Hearing.

If the complainant remains dissatisfied after Stage 1 and/or Stage 2, the complainant can take the complaint to the next stage.

THE FORMAL COMPLAINTS PROCEDURE IN DETAIL

Stage 1 – Complaint Heard By Staff Member

Remember: The aim is to resolve the complaint at this level

- 1.1 The complaint should be addressed in the first instance to the designated Complaints Co-ordinator and must be in writing.
- 1.2 The Complaints Co-ordinator will log the complaint and either investigate the complaint personally, or refer it to an appropriate member of staff. In making this decision, the Complaints Co-ordinator will be sensitive to any indication that the complainant would have difficulty discussing the complaint with a particular member of staff.
- 1.3 If the complaint concerns the Headteacher, the Complaints Co-ordinator will refer it to the Chair of Governors and, in courtesy, inform the Headteacher that this has been done. If the complaint concerns the Chair of Governors, the Complaints Co-ordinator will refer it to the Vice-Chair of Governors by writing to them care of the school.

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1.4 Whoever investigates the complaint will :

- consider if the consent of a pupil is required, if the complaint is made by a 'third party' or if sensitive / private issues are likely to be disclosed;
- meet with the complainant or contact them by phone or in writing;
- establish what has happened to date, and who has been involved;
- clarify the nature of the complaint and what remains unresolved;
- clarify what the complainant feels would put things right; clear up any areas of misunderstanding; identify areas of agreement and discuss what might be possible;
- interview those involved in the matter and/or those complained about, allowing them to be accompanied if they wish (this should include adults and pupils - whether main players or witnesses);
- conduct each interview with an open mind and be prepared to persist in the questioning;
- keep notes of each interview.

Remember: Complaints files can be requested and disclosed under the Data Protection Act 1998, subject to certain limited restrictions (for example, where the file contains the personal data of another individual).

1.5 Timescales:

Within 10 school days of receiving the complaint, the investigator will complete the investigation and contact the complainant to arrange a meeting (See 1.6). At any point in the process, the investigator may decide or agree to commission a further investigation, whether by a member of staff or an independent person. If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.

1.6 When the investigation is complete, the investigator will meet the complainant to try to resolve the complaint. **Every effort should be made to try to resolve the complaint at this meeting.** Any of the following may be appropriate at this point:

- an acknowledgement that the complaint is valid in whole or in part or is not justified;
- an apology;
- an explanation;
- a clarification of misunderstandings;
- 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.

Some of the above may require that the investigator seek authority from the Headteacher. Nothing should be offered or promised that cannot be justified or fulfilled.

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1.7 If the complaint cannot be resolved, the complainant may refer it to Stage 2.

Stage 2 – Complaint Heard By Headteacher

2.1 Where a complaint has not been resolved at Stage 1, it will be referred to the Headteacher **unless** the original complaint concerned either the Headteacher or the Chair of Governors in which case the complainant may refer it straight to Stage 3.

2.2 The Headteacher will either investigate the complaint personally, refer it to another senior member of staff (who has not so far been involved) or arrange an independent investigation, if appropriate. At this point, it is possible that the complaint will have escalated to include the manner in which the original complaint has been handled. Both parts of the complaint would, in this case, need to be investigated.

2.3 In conducting the investigation, the investigator will operate in accordance with section 1.4.

2.4 Timescales:

- Within 10 school days of receiving the complaint, the investigator will report to the Headteacher;
- Within a further 3 school days, the Headteacher will contact the complainant and arrange a meeting (see 2.5);
- At any point in the process, the Headteacher may decide or agree to commission a further investigation, whether by another senior member of staff, a Governor or an independent person (for example, from the Diocese or another appropriate agency, depending on the nature of the complaint). If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.

2.5 **When the investigation is complete**, the Headteacher will consider the evidence and, whether or not he or she investigated the matter personally, will meet the complainant (with or without the person who conducted the investigation, if different) to try to resolve the complaint. **Every effort should be made to resolve the complaint at this meeting.** Any of the suggestions in section 1.6 may be appropriate at this point.

2.6 If the complaint cannot be resolved, the complainant may refer it to Stage 3.

Stage 3 - Complaint Heard before a Complaint Panel Hearing

3.1 A Complaint Panel, consisting of three Complaint Panel Members, should be appointed by the Governing Body. None of the three Complaint Panel Members shall have been involved in the events leading to the complaint, or involved in dealing with the complaint previously. One of the Complaint Panel Members must be completely independent of the management and running of the school (which means that they must not be a Governor or an

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employee at the school). They will be selected in line with advice from the Diocese and will serve on an ad-hoc basis only. The Complaint Panel will have delegated power to hear and determine complaints.

In order to preserve the independence of future Complaint Panel Members, the complaint must not be discussed at any meeting of the full Governing Body. In addition to preserving the independence of potential Complaint Panel Members, this will also preserve the impartiality of any subsequent disciplinary hearing which may follow a serious complaint upheld against a member of staff.

3.2 To trigger Stage 3, the complainant will have been dissatisfied with the school's approach to the complaint in the first two stages or the decision reached by the school. The complainant must then write to the Chair of Governors, via the school, requesting a Complaint Panel Hearing. The Chair of Governors will check what has happened so far and, if the procedure has been properly followed and it is appropriate to move to Stage 3, he or she, or a nominated other Governor, will - through the Clerk - convene a Complaint Panel Hearing. If the original complaint concerned the Chair of Governors and was referred to the Vice-Chair of Governors at Stage 1, the Vice-Chair of Governors will tell the complainant the name of the nominated Governor for a referral to Stage 3 (see section 3.1).

3.3 This is the final stage of the school's Complaints Procedure. It is therefore vital that, in the spirit of the procedure, the Complaint Panel should:

- be prepared to hear complaints without preconceptions;
- examine and discuss the matter fully so that they ensure that they have every piece of information or evidence that they require;
- be prepared to commission, organise or conduct further investigations if necessary;
- give the complainant the opportunity to express their dissatisfaction and worries and to suggest what might put things right;
- be prepared to take whatever action is required.

3.4 **Timescales.**

- The date of the Complaint Panel Hearing should be agreed by all parties within 5 school days of the receipt of the written referral of the complaint to stage 3;
- The meeting itself should be held within 15 school days of the receipt of the referral;
- If the complainant or the investigator at stage two, wish to submit information in writing to the Complaint Panel, they should send it to the Clerk to the Complaint Panel at least 5 school days before the Complaint Panel Hearing. As far as possible, the Complaint Panel Hearing should not be delayed if the referral comes at the end of a term, especially at the end of the summer term. Since the aim of the procedure is to resolve the issue and effect reconciliation if necessary, it will be best if the matter can come before the Complaint Panel as quickly as possible, especially as the complainant will already have been engaged over a protracted period in attempts to put things right.

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The Complaint Panel Hearing

3.5

Before the meeting:

Members of the Complaint Panel should consider carefully any documentation from the investigator at stage 2 or the complainant, but should not discuss the matter with anyone, including the other Complaint Panel Members, before the meeting. This is in the interest of fairness and natural justice. The Complaint Panel must operate scrupulously as an independent arbiter of the complaint.

3.6

Conduct of the meeting:

- One Complaint Panel Member acts as the Chair of the Complaint Panel and there must be a Clerk for the meeting;
- A member of the Diocesan Education Service may be invited to advise and support the Complaint Panel;
- It is very important to remember that the tone of the meeting will be set by the atmosphere of the room and by the way people are greeted. Complaint Panel Members should be sensitive to the vulnerabilities and sensitivities of all concerned. Parents may be emotional when talking about their child; the
- Headteacher or others involved in the earlier investigations may fear that their professionalism could be under attack. Everyone needs to remember that the aim and purpose of the meeting is to resolve the complaint and find ways of going forward together;
- The room in which the Complaint Panel Hearing takes place should be appropriate, private and laid out as informally as possible to encourage a spirit of partnership. Although a complainant may not be satisfied with the outcome, if the Complaint Panel does not find in their favour, the conduct of the meeting can go a long way towards smoothing such dissatisfaction. At the very least, every complainant should feel that their complaint has been taken seriously and examined impartially;
- Very special care should be taken if the complainant is a child or if there are child witnesses. Children's views should be given equal consideration to those of adults. If a parent/carer has complained on behalf of a child, the parent/carer should be given the opportunity to say which parts of the meeting the child needs to attend.

3.7

Role of the Clerk

The clerk will:

- confirm to all parties in writing the date, time and venue of the hearing;
- receive and distribute any documentation to be read before the hearing;
- meet and welcome all parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the Complaint Panel's findings and recommendations within 3 school days (or as decided by panel). The wording of any letters will be agreed with the Chair of the Complaint Panel;
- Make available for inspection a record of the findings and recommendations of the

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Complaint Panel by the Headteacher;

- Keep a central record of all concerns and complaints dealt with informally or formally, detailing their outcomes;
- Keep all records of concerns and complaints confidential, except where a legitimate subject access request is made under the Data Protection Act 1998, or inspection by the Secretary of State or other body is allowed under Section 162A of the Education Act 2002.

3.8 **Role of the Chair of the Complaint Panel**

The Chair of the Complaint Panel will ensure:

- that the procedure is properly followed (with the support of the Diocesan Education Service, if requested);
- that the procedure for the hearing of the complaint is explained to all parties and that all parties have the opportunity to put their case without undue interruption;
- that the issues are addressed;
- that all parties are put at their ease, especially any who may not be accustomed to speaking at such a hearing;
- that the proceedings are kept as informal as possible and that everyone treats each other with respect and courtesy;
- that the panel operates in an open-minded and independent way;
- that time is given for all parties to consider any 'new' evidence.

3.9 **Role of the Diocesan Representatives**

- To advise the panel on procedure. The Diocesan representatives are there in an advisory capacity only. They do not have a vote and do not participate in the Complaint Panel's decision-making process.

3.10 **Order of Proceedings for the Hearing of the Complaint**

- Welcome, introductions and explanations of the proceedings by the Chair of the Complaint Panel;
- The complainant is invited to explain the complaint;
- The Headteacher (or Chair of Governors if the complaint was about the Headteacher, or Vice-Chair of Governors if the complaint was about the Chair of Governors) may question the complainant;
- The Complaint Panel may question the complainant;
- If there are any witnesses for the complainant, each one is invited into the Complaint Panel Hearing in turn and, in each case, the witness is invited to speak, then the Headteacher/Chair of Governors/Vice-Chair of Governors may question them, and then the Complaint Panel may question them. In each case, the witness may leave after their 'evidence';
- The Headteacher/Chair of Governors/Vice-Chair of Governors is invited to explain the school's actions;
- The complainant may question the Headteacher/Chair of Governors/Vice-Chair of Governors;

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- If there are any witnesses for the school, each one is invited into the Complaint Panel Hearing in turn and, in each case, the witness is invited to speak, then the complainant may question them, and then the Complaint Panel may question them. In each case, the witness may leave after their 'evidence';
- When the Chair of the Complaint Panel is sure that all parties have asked all that they need to, the complainant is invited to sum up their complaint;
- The Headteacher/Chair of Governors/Vice-Chair of Governors is then invited to sum up the school's actions and response to the complaint;
- The Chair of the Complaint Panel explains that both parties will hear from the panel within 3 school days following the day of the Complaint Panel Hearing;
- Both parties leave at the same time while the Complaint Panel decides on the issues (advised by the Diocesan Representative, if in attendance).

3.11 **Options open to the Panel**

The Complaint Panel may:

- 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.

3.12 **After the Hearing**

The following actions need to be taken.

- The Chair of the Complaint Panel agrees with the Clerk to the Complaint Panel the wording of the letter to be sent to both parties. The Clerk ensures the letter is sent out within the agreed timescale;
- The Clerk to the Complaint Panel writes up the notes of the meeting and gives a copy to the Chair of the Complaint Panel.
- The Clerk to the Complaint Panel ensures that any recommendation to change school procedures is put on the agenda for the next Governing Body meeting.

- 3.13 If the complainant remains dissatisfied, he or she may refer her complaint to the Education Funding Agency by writing to them. The school will abide by any decision subsequently made by the Education Funding Agency.

GENERAL POINTS

Vexatious Complaints

If the complainant remains dissatisfied, having exhausted all three stages of the school's complaints procedure and having referred his or her complaint to the Education Funding Agency, and attempts to complain about the same subject again, the Chair of Governors shall write to the complainant informing him or her that the complaint is vexatious (giving reasons) and that it will not be investigated.

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Using and Publicising the Procedure

The Governing Body needs to adopt the written Complaints Procedure formally on behalf of the school, and then review and re-adopt it annually. They also need to ensure that staff are confident in its use and that it is appropriately publicised to all interested parties, especially parents. It could be included in the school prospectus, sent out with a newsletter or placed on the school's website. It will also be available on the Diocesan website.

Recording and Reporting Complaints

In order to turn complaints to positive effect, it is important that records are kept so that at regular intervals (perhaps termly) both the senior managers of the school and the Governing Body can reflect on issues that have arisen and on the way in which they have been handled. The Complaints Co-ordinator is the most obvious person to hold these records and to collate them into a report for the Headteacher (if he or she is not the Complaints Co-ordinator) and the Governing Body. Such a report could be a valuable self-evaluation tool. The Governing Body may also wish to consider reporting to parents any changes which have been made to the school's procedures as a result of parental feedback (it need not be specified that the feedback was in the form of a complaint).

Complaints Made Other Than In Accordance with the Procedure

Sometimes a complainant may be unfamiliar with, or unaware of, the school's Complaints Procedure; sometimes they may choose to take their complaint straight to the Governors or to other parties, such as the Diocese. In every such case, the procedure must be strictly adhered to, and the complaint redirected to its proper stage in the procedure. It is therefore important that all members of staff and all Governors are fully aware of the Complaints Procedure and that it is publicly available. It is particularly important that Governors know that they must not attempt to deal with complaints themselves, but should tell complainants to refer their complaint to the school's Complaints Co-ordinator.

Complaints made to the Education Funding Agency

In unusual cases, the Secretary of State may have the power to intervene if the Governing Body of the school has acted as no reasonable Governing Body would act. This is very unlikely to be the case unless the whole of the school's own Complaints Procedure has been exhausted (see 3.12).

Complaints to Ofsted

The Education and Inspections Act 2006 at s.160 provides a procedure for Ofsted to investigate parents' complaints about a school. A complaint cannot be investigated unless the school's Complaints Procedure has been exhausted, subject to the Chief Inspector's discretion to waive this requirement.

APPENDIX A

EXAMPLE OF A COMPLAINT RECORD FORM

(could be used for Stage 1 and Stage 2)

PART A: RECORD OF COMPLAINT

Complainant's Name:

Address:

Telephone:

Details of the Complaint:

Date Complaint Made:

Action Already Taken to Resolve the Matter:

Complainant's View of what might resolve the issue:

PART B ACTION TAKEN IN ACCORDANCE WITH THE COMPLAINTS PROCEDURE

Complaint Investigated By:

Action (with dates):

Date of formal meeting with complainant:

Outcome of the Meeting: