



## Holy Cross Catholic Primary School

### Complaints Procedure

#### **General Principles:**

- This procedure is intended to allow you to raise a concern or complaint relating to the school, or the services that it provides.
- An anonymous concern or complaint will not be investigated under this procedure, unless there are exceptional circumstances.
- To allow for a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible. In general, any matter raised more than 3 months after the event, being complained of, will not be considered.

#### The Complaints Framework

**Stage 1** (informal) Complaint heard by a member of staff (if not the subject of the complaint).

**Stage 2** (formal) Complaint heard by the Headteacher (if not the subject of the complaint).

**Stage 3** (formal) Complaint heard by Chair of Governors (if not the subject of the complaint)

**Stage 4** (formal) Complaint heard by the governing body's complaints appeal panel.

The intention should be to resolve the complaint at the first stage. It is up to the complainant to take the complaint to the next stage.

1.1 The complaint can be made in writing, telephone or in person and should be addressed to the Headteacher who will log the complaint (see Appendix 1 for sample record form) and either investigate the complaint personally or refer it to an appropriate member of staff.

1.2 A senior member of staff will acknowledge receipt of the complaint by replying in writing within five school days giving the name of the member of staff investigating the complaint.

1.3 If the complaint concerns the Headteacher or a member of the governing body it should be referred to the Chair of Governors and the Headteacher or governor should be informed. If the complaint concerns the Chair of Governors it should be referred to the vice chair and the chair informed.

1.4 The appropriate member of staff should investigate the complaint (see appendix 2 for guidelines on investigating complaints).

1.5 The investigation should be completed within ten school days of receiving the complaint. There may be occasions when more time is needed. If this is the case the complainant should be informed immediately and within the ten school days timescale. The complainant should be given the reasons why more time is needed with an approximation of the number of extra days.

1.6 Within three days of the completion of the investigation the investigator will contact the complainant to arrange a meeting

1.7 The purpose of the meeting with the complainant is to assure them that the investigation has been thorough and fair and to make every effort to reach a resolution. (See Appendix 3 for possible resolution outcomes).

1.8 If a resolution has been reached, the Headteacher should be informed and a letter confirming this should be sent by the member of staff dealing with the complaint to the complainant.

1.9 If the complaint cannot be resolved the complaints coordinator should be informed who will then write to the complainant informing them of their right to refer the complaint to stage 2.

## **Stage 2**

### Investigation by the Headteacher

2.1 If the complaint remains unresolved after stage 1 it will be referred to the Headteacher unless the complaint concerns the Headteacher or governor in which case it will be referred to stage 3.

2.2 The Headteacher may investigate the complaint personally or appoint a more appropriate senior member of staff or arrange for an independent investigation in which case the complainant should be notified of the name of the person.

2.3 In referring the complaint to this stage it may now contain dissatisfaction at how it was managed in the first stage in which case both parts need to be investigated.

2.4 The complaint will be investigated

2.5 The investigation should be completed within ten school days of the complaint being referred to this stage. There may be occasions when more time is needed and if this is the case the complainant should be informed immediately and within the ten school days timescale. The complainant should be given reasons why more time is needed with an approximation of the number of extra days.

2.6 Within three days of the completion of the investigation the Headteacher will contact the complainant to arrange a meeting.

2.7 The purpose of the meeting with the complainant is to assure them the investigation has been thorough and fair and to make every effort to reach a resolution

2.8 If a resolution has been reached the senior staff member dealing with the complaint should be informed and a letter confirming this should be sent by them to the complainant.

2.9 If the complaint cannot be resolved the staff member should be informed who will then write to the complainant informing them of their right to refer the complaint to stage 3.

### **Stage 3**

Complaint heard by Chair of Governors (In a very small number of cases this may be the start of the procedure.)

3.1 If the complaint remains unresolved after stage stages 1 and 2 it can be referred to the Chair of Governors unless the complaint concerns the chair of governors in which case it will be referred to stage 4.

3.2 The complainant must write to the Chair of Governors, giving details of the complaint. The Chair will meet with the complainant and Headteacher separately and, hear the complaint and make every effort to resolve the issue. The procedure should only move to Stage Four, below, if the complaint cannot be resolved at Chair of Governors level.

3.3 The date of the meeting should be agreed between all parties within five school days from receipt of the written referral of the complaint to stage 3 and must take place within fifteen school days of receipt.

### **Stage 4**

Complaint heard by Governing Body's Complaints Appeal Panel.

4.1 A complaints appeal panel consisting of more than three governors should be appointed annually by the governing body. Of these four three would be appointed to hear a complaint.

4.2 The complainant must put the complaint in writing to the chair of governors also giving reasons why they have been dissatisfied with the outcomes of the first three stages. The chair of the Complaints Appeal Panel will check that the procedures have been followed correctly up to this point and then arrange for a meeting of the governing body complaints appeal panel. If the original complaint concerned the chair of governors and was referred to the vice chair at stage 1, the vice chair will arrange for the panel to meet.

4.3 The date of the meeting should be agreed between all parties within five school days from receipt of the written referral of the complaint to stage 4 and must take place within fifteen school days of receipt.

4.4 The clerk to the governors will manage all administration for the meeting.

4.5 If the complainant or Headteacher wishes to submit information in writing to the meeting it should reach the clerk at least five school days before the meeting.

4.6 The timescale may be altered with agreement of all parties if the referral to stage 4 comes at the end of term particularly the summer term. It will be in everyone's interest not to delay the meeting to the start of the next term since the aim of the procedure is to resolve issues as soon as possible to effect reconciliation.

4.7 Before the meeting takes place all parties should be given details outlining

The purpose of the meeting

The conduct of the Meeting

The order of the meeting

The role of the clerk

The role of the chair of the panel.

The clerk will inform the complainant of the decision reached by the panel within five calendar days of the meeting. The letter should also state this was the final stage of the complaints procedure and there is no further appeal.

### **5.1 Vexatious complaints**

If the complainant remains dissatisfied with the outcome of the complaint when the complaint's procedure has been exhausted and attempts to reopen the issue the chair of governors will inform them in writing that the matter is now closed. As the complaint has been heard according to the published complaints procedures and there is nothing further that the school can offer.

### **5.2 Anonymous complaints**

The school will deal with anonymous complaints that raise safeguarding concerns but will not investigate other anonymous complaints.

### **6.1 Unreasonable complainants**

All complaints should be dealt with fairly and impartially and to provide a high quality of service to those who complain, schools will not normally limit the contact complainants have with the school. However, we do not expect their staff to tolerate unacceptable behaviour and they will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. Unreasonable complainants are defined as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints.'

**Appendix 1**

**Part A RECORD OF COMPLAINT (To be used for stages 1 and 2)**

**Complainant's Name:**

**Pupil's name (if relevant):**

**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:**

**Are you attaching any paperwork? If so, please give details.**

**Part B ACTION TAKEN IN ACCORDANCE WITH THE COMPLAINTS PROCEDURE**

**Complaint Investigated By:**

**Action (with dates):**

## **Appendix 2**

### **Guidelines on investigating complaints.**

It is important to the complainant and to anyone concerned in the complaint that the investigation is impartial, thorough and fair. It is also important that everyone concerned is able to feel they have been listened to and have been able to make their contributions to the process.

The investigating person should:

- establish the exact nature of the complaint (the complainant may need to be contacted if there is any uncertainty. The investigation should not proceed until there is absolute clarity);
- establish what has happened so far and who has been involved;
- clarify what the complainant feels would put things right, clearing up any areas of misunderstanding and identifying ways forward;
- interview those involved in the matter and/or those named in the complaint, ensuring they are aware of the exact details of the complaint and allowing them to be accompanied if they wish;
- conduct all interviews and investigations with an open mind (the appointed person should continue with the investigation until they are sure that they have all the necessary detail to come to a fair conclusion even if it means interviewing people more than once);
- keep full notes with times and dates;
- make sure all information has been collated before arranging the meeting with the complainant;
- seek assistance by means of independent investigators if this is necessary (permission must be obtained from the complaints coordinator if another person is investigating);
- give a summary of the investigation to the complainant at the meeting called to reach a resolution;
- give reasons for the decision reached;
- give copies of all notes from the investigation and the meeting with the complainant to the complaints coordinator.

### **Appendix 3**

#### **Examples of resolution outcomes.**

Before the investigating person meets with the complainant it is important that she/he is satisfied that the investigation has been impartial, thorough and fair and that the summary explained to the complainant is able to demonstrate this clearly. If an independent investigator has been used for all or part of the investigation it is important to explain the reasons to the complainant.

The complainant should be informed of the decision reached by the investigator giving reasons and evidence as to why the decision was reached. Every effort should be made to reach a resolution at this meeting. Any of the following may be appropriate:

- an acknowledgement that a complaint is valid in whole or in part (if this is the case the investigator should refer to the part of the investigation where the complainant was asked what they feel would put things right);
- an apology;
- an explanation;
- a clarification of misunderstandings;
- an admission that the situation could have been handled differently or better;
- an assurance that, as far as is possible, the event complained of will not happen again.
- an explanation of the steps to be taken to ensure that it will not happen again;
- an undertaking to review the school policies in light of the complaint. Some of the above may require that the investigator seeks authority from the Headteacher or, in the case of the Headteacher investigating, the governing body.

The investigator may come to the decision the complaint is unfounded. If this is the case the investigator should ensure that the evidence from the investigation confirms this on the balance of probabilities. The investigator must be sensitive to the complainant's feelings and should make them aware that they had a right to bring their concerns to the attention of the school and if the complaint arose from a misunderstanding to explain how this might have occurred and clarify the area from which the misunderstanding arose.