



# Complaints Procedure

***We aspire to embrace the Gospel and its values,  
Celebrating uniqueness and diversity.  
Our learning, within an enterprise culture,  
is based upon trust and respect  
which define our relationship within the world  
family.***

***Everyone Matters.***



## **School Complaints Procedure**

### **Summary Guidance for Parents**

St Nicholas has a complaints procedure to ensure we respond to complaints as quickly and as effectively as possible. (a copy of the full policy can be obtained from the School)

This procedure is to deal with complaints relating to the school and any community facilities or services that the school provides. We value all comments about our school and we will endeavour to address your concerns or complaints at the earliest stage possible to prevent escalation to the formal stage and a protracted complaint that can be distressing for all involved.

When making a complaint it is important you identify your desired outcome, that is what actions you feel might resolve the problem at any stage. If the complaint concerns the Head Teacher or individual governors you should contact the Chair of Governors directly in writing.

#### **Stage One: Complaint Heard by Staff Member**

The vast majority of concerns can be resolved informally. There are many occasions where the class teacher, office staff, or the Head Teacher, can resolve your concerns straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage.

Once the complaint has been investigated the outcome will be communicated to you. Your complaint will be responded to within 10 working days either verbally or in writing. If you remain dissatisfied with the outcome of the investigation into your complaint you should write to the Head Teacher within 10 days asking for your complaint to be investigated at stage 2.

#### **Stage Two: Complaint Heard by Head Teacher**

When a complaint is received at stage 2 it will be acknowledged within 5 school days. The Head Teacher will contact you to provide an opportunity to discuss your concerns and find possible solutions. This could be by phone or in a meeting. You may bring a friend, family member or advocate to any meeting if you wish.

The complaint will be investigated and a written response will be provided within 10 school days, unless the complaint is complicated and to allow for a full investigation to be carried out, an extension of 10 days may be granted. Where it is deemed necessary to apply an extension to the investigation period this will be communicated to you. You have the right to take the complaint to stage 3 if you remain dissatisfied.

#### **Stage Three: Complaint Heard by the Chair of Governors**

You should write to the Chair of Governors within 10 school days of receipt of the decision of the stage two investigation. Upon receipt of your letter the Chair of Governors will write acknowledging receipt of your complaint. At this point the Chair of Governors will investigate the complaint or/and offer mediation as a means of resolving the complaint. Mediation can be facilitated by the Chair of Governors, or if it is felt to be more appropriate an external agency may be used. The Chair will

write to you to advise you of the outcome of their investigations. If you remain dissatisfied with this outcome, you have the right to take the complaint to stage 4, Governing Board Complaints Committee.

### Stage Four: Complaint Heard by Governing Board's Complaints Committee

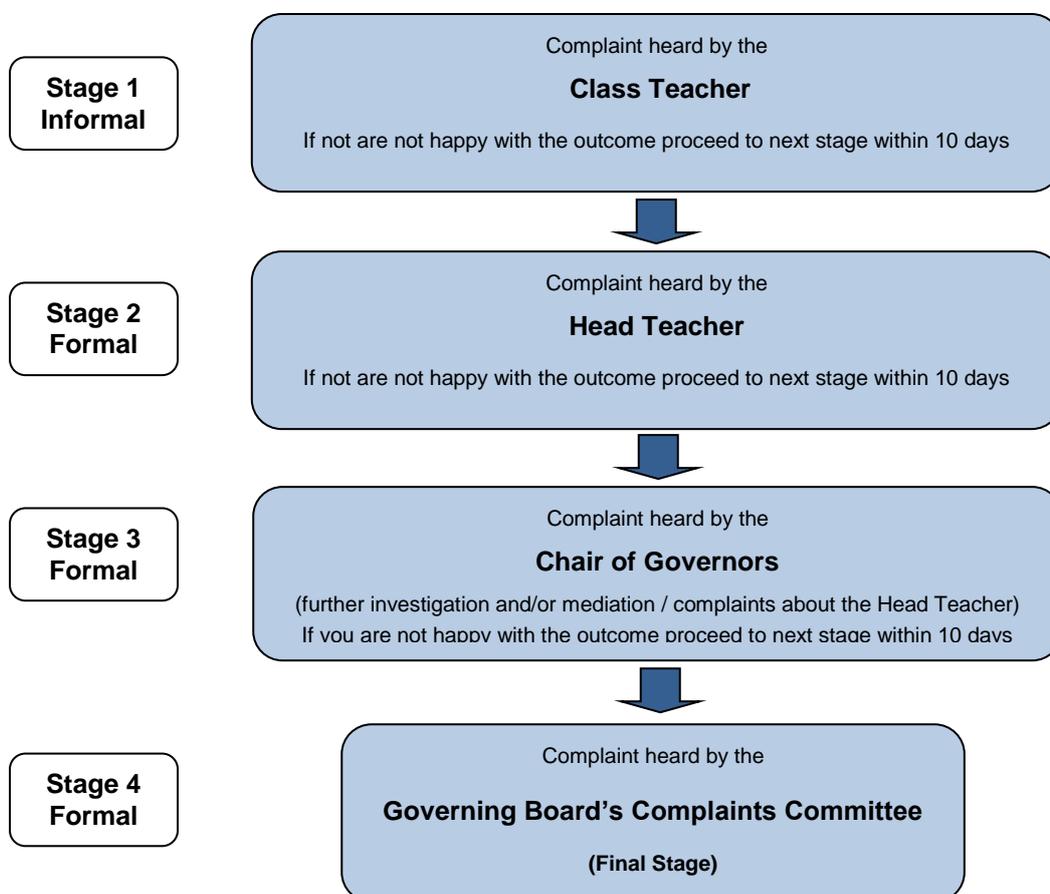
You should write to the Chair of Governors within 10 school days of receipt of the decision of the stage three investigation/mediation. Upon receipt of your letter the Chair of Governors will write acknowledging receipt of your wish to progress the complaint. You have the right to submit any further documents or information relevant to your complaint and the deadline for submission of these documents will be at least 5 days before the hearing.

The Clerk to the Committee will arrange for the Complaints Committee to be convened which will comprise of 3 or 5 governors who have no previous involvement with the complaint. The review hearing should be heard within 20 school days of receipt of your letter.

The Clerk to the Committee will write to inform you of the date and time of the hearing, giving a minimum of 5 days notice. All documents submitted will be circulated to all parties. You may bring a friend, family member or advocate to the meeting if you wish.

At the end of the meeting, the committee will decide whether to dismiss the complaint in whole or in part, to uphold the complaint in whole or in part, decide on the appropriate action to be taken to resolve the complaint and recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur. A written response detailing the decisions, recommendations and the basis on which these have been made will be sent to you and the Head Teacher within 5 school days. The decision of the Committee is final.

The following diagram details the stages you should follow in the event of a complaint:



## **Complaints Procedure – Stage 1 (informal)**

### **Stage One: Complaint Heard by Staff Member**

The vast majority of concerns can be resolved informally. There are many occasions where the class teacher, office staff, or the Head Teacher, can resolve concerns straight away. It is in everyone's best interests that complaints are resolved at the earliest possible stage. Complainants must feel able to raise their complaint with members of staff without any formality, either in person, by telephone or in writing. This allows staff to establish whether a person is asking a question, expressing an opinion or making a complaint.

The member of staff first contacted will clarify the nature of the complaint and re-assure the complainant that the school wants to hear about it. Once a complaint has been received by a member of staff they will determine whether they are the best person to resolve the complaint. The complaints co-ordinator should be informed of the complaint.

The School respect the views of any complainant and if they express a difficulty in discussing their complaint with a particular member of staff the complaints co-ordinator will refer the complainant to another member of staff.

Where the complaint concerns the Head Teacher, the complaints co-ordinator will refer the complainant to the Chair of Governors.

If the complaint involves any child protection issue, the Head Teacher will inform the relevant Local Authority social care team or Local Authority Designated Officer (LADO).

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaints co-ordinator may consider referring the complainant to another staff member.

Once the complaint has been investigated the outcome will be communicated to the complainant and the complaints co-ordinator. The complaint will be responded to within 10 school days either verbally or in writing. The complainant must also be informed of what do next if they remain dissatisfied with the response.

If the complainant remains dissatisfied with the outcome of the investigation into their complaint they should write to the Head Teacher within 10 school days asking for your complaint to be investigated at stage 2.

## **Complaints Procedure – Stage 2 (formal)**

### **Stage Two: Complaint Heard by Head Teacher**

Parents and pupils will be advised of their right to make complaints. Complaints should be made either in writing using or by arrangement of an appointment with the Head Teacher. The complainant may choose to use the attached complaints form (see appendix 1). If the complaint is about the Head Teacher the Chair of Governors will deal with the matter using this procedure. If the complainant has difficulty expressing themselves in writing, they should be informed where they can get independent assistance.

The Head Teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken. The person investigating the complaint should be clear what exactly the complaint is and the desired outcome as soon as possible.

The Head Teacher will contact the complainant and provide an opportunity for the complainant to discuss their complaints and find solutions. This could be by phone or in a meeting. It will be made clear that the complainant may bring a friend, family member or advocate to any meeting if they wish. Interpreting services will be made available where necessary. The Head Teacher should have another member of staff present to observe and record the meeting and promote staff safety. Care should be taken in these circumstances not to create an intimidating atmosphere for the complainant. If it is necessary to interview pupils as part of the investigation, this will be done in the presence of another member of staff, or in the case of serious complaints e.g. where the possibility of criminal investigation exists, in the presence of their parents.

Written notes will be kept of all communications with regard to the complaint and its investigation.

The complaint will be investigated and written response will be provided within 10 school days, unless the complaint is complicated and to allow for a full investigation to be carried out an extension of 10 school days may be granted. Where it is deemed necessary to apply an extension to the investigation period this will be communicated to the complainant.

The complainant must be informed of the right to progress the complaint to stage 3 if they remain dissatisfied.

### **Complaints Procedure – Stage 3 (formal)**

#### **Stage Three: Complaint Heard by Chair of Governors**

Where a complainant remains dissatisfied with the outcome of a complaint at stage two they should write to the Chair of Governors within 10 school days of receipt of the decision of the stage two investigation. The Chair of Governors will first ensure that the complaint has been dealt with at stage two, and the complaint is covered by the school's complaints procedure not other procedures e.g. personnel or child protection. If not the matter will be referred back to the Head Teacher and the Chair of Governors will write to the complainant advising them of the correct procedures.

Upon receipt of a letter notifying the complainant is not satisfied with the outcome of a stage two investigation, the Chair of Governors will write acknowledging that the complaint has been received. At this point the Chair of Governors will reinvestigate the complaint or/and offer mediation as a means of resolving the complaint. Mediation can be facilitated by the Chair of Governors, or if it is felt to be more appropriate an external agency may be used or a professional mediation service.

The complainant must be informed of the right to progress the complaint to stage 4 if they remain dissatisfied.

### **Complaints Procedure – Stage 4 (formal)**

#### **Stage Four: Complaint Heard by Governing Board's Complaints Committee**

Where a complainant remains dissatisfied with the outcome of a complaint at stage three they should write further to the Chair of Governors within 10 school days of receipt of the decision of the stage three investigation. The Chair of Governors will write acknowledging that the complaint has been received and confirm that the matter will progress to be heard by the Governing Board's Complaints Committee. The letter will explain that the complainant has the right to submit any further documents or information relevant to the complaint. A deadline for submission of these documents will be given, which should be at least 5 school days before the hearing.

A clerk will be appointed who will convene the complaints committee appointed from the Governing Board. The committee will comprise of 3 or 5 governors who have no previous involvement with the complaint, of which one will assume the role of chair for the committee, who will have delegated powers to hear complaints at this stage. The complaint should never be heard by the entire Governing Board. If the whole Governing Board is aware of the substance of a complaint before the final stage has been completed, the school will arrange for an independent panel to hear the complaint. The Governing Board may make a formal approach to another school, to ask for help or the LA Governor Services team or the Diocese. Guidance should be sought on the matter before a formal approach is made.

### **Procedure for the Governing Board Complaints Committee Hearing**

The School at this point will determine the appropriate person to represent at the meeting. This would usually be the Head Teacher or Chair of Governors. In the event of a complaint about the Head Teacher, this would be the Chair of Governors.

The Head Teacher and Chair of Governors will also be invited to submit a written report for the committee; this may be a copy of the stage two and three response. The Head Teacher may also invite members of staff directly involved in matters raised by the complainant to respond personally or in writing.

The complaints committee will set a timetable for the hearing and should notify the complainant of this. The hearing should be heard within 20 school days of receiving the letter following stage three.

It is strongly recommended that the complaints hearing meeting be professionally 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;
- welcome the parties as they arrive to the hearing;
- record the proceedings;
- notify all parties of the committee's decision.

The Clerk will write to inform the committee, Head Teacher, complainant and any relevant witnesses of the date and time of the hearing, giving a minimum of 5 days notice. All documents submitted will be circulated to the committee, the Head Teacher and the complainant. The complainant will be notified of their right to have a friend, family member, advocate or interpreter present if they wish. The Chair of Governors will ensure that minutes are taken at the complaints committee meeting.

The committee should be open-minded and independent. The aim of the meeting will be to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may sometimes only be possible to establish the facts and make recommendations that satisfy the complainant that their complaint has been taken seriously.

The decision of the committee must be final as they have been delegated authority by the Governing Board to hear and make decisions about the complaint.

The hearing will be held in private. Any witnesses (other than the complainant and the Head Teacher) will only attend for the part of the hearing in which they give evidence. Good practice would be that at no point will the Head Teacher or the complainant be left with the complaints committee without the other being present.

The committee should remember that the complainants may not be familiar with the conduct of formal meetings and may feel inhibited in addressing the committee. It is recommended that the chair of the committee keep the proceedings as informal as possible. This is particularly important if the complainant is a child.

If either party wishes to introduce new information at the meeting, this should be allowed. The meeting should then be adjourned for a short period to allow other parties to review and respond to this information.

The meeting will allow for

- The complainant to explain their complaint and the Head Teacher to explain the school's response
- Witnesses to be brought by the complainant or the Head Teacher
- The Head Teacher and the complainant to ask questions of each other and any witnesses
- The committee to ask questions of the complainant, Head Teacher and any witnesses
- The complainant and the Head Teacher to summarise their position

The chair of the committee should thank the complainant and Head Teacher for their attendance and request they leave the meeting while the committee consider their decision.

The Committee Members can then decide to:

- 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.

A written response detailing the decisions, recommendations and the basis on which these have been made will be sent to the complainant and the Head Teacher within 5 school days of the meeting.

The school will retain a copy of all correspondence and records of meetings in line with current retention guidelines.

## **1. The Role of the School Complaints Unit**

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the governing body has acted unlawfully or unreasonably and where it is expedient or practical to do so.

The School Complaints Unit (SCU) considers complaints relating to LA maintained schools in England on behalf of the Secretary of State. The SCU will look at whether the complaints policy and any other relevant statutory policies were adhered to. The SCU also looks at whether statutory policies adhere to education legislation. However, the SCU will not normally re-investigate the substance of the complaint. This remains the responsibility of schools.

The SCU will not overturn a school's decision about a complaint except in exceptional circumstances where it is clear the school has acted unlawfully or unreasonably. If the SCU finds that the school has not handled a complaint in accordance with its procedure, they may request that the complaint is looked at again.

If legislative or policy breaches are found, the SCU will report them to the school and the complainant, and where necessary, ask for corrective action to be taken. The SCU normally also seeks written assurances as to future conduct. Failure to carry out remedial actions or provide written assurances could ultimately result in a formal Direction being issued by the Secretary of State in accordance with their powers under sections 496 and 497 of the Education Act 1996. Schools may wish to contact the SCU for advice on whether they have acted reasonably; for example: in closing down a complaint from a serial complainant before the local procedure has been completed. However, the SCU will not be able to advise on how to resolve the complaint.

If the complainant remains dissatisfied with the outcome of their complaints, they can refer the matter or seek further advice from the SCU by calling the National Helpline on **0370 000 2288** or going online at: [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus) or by writing to:

**The School Complaints Unit (SCU)**  
**Department for Education**  
**2<sup>nd</sup> Floor, Piccadilly Gate**  
**Manchester**  
**M1 2WD**



## School Complaints Form

Please complete and return to Mrs V. Hill who will acknowledge receipt and explain what action will be taken

**Surname:** \_\_\_\_\_ **First Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Address:** \_\_\_\_\_  
\_\_\_\_\_ **Postcode:** \_\_\_\_\_

**Home Tel:** \_\_\_\_\_ **Work Tel:** \_\_\_\_\_

**Mobile:** \_\_\_\_\_ **Email:** \_\_\_\_\_

**Pupil's Name (if relevant):** \_\_\_\_\_

**Your relationship to pupil (if relevant):** \_\_\_\_\_

**1. Please give details of your complaint: (continue on a separate sheet if necessary)**

Continued Overleaf...

**2. What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response?)**

**3. What actions do you feel might resolve the problem at this stage?**

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

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**After completion please email this form to:** [V.Hill@st-nicholas.cheshire.sch.uk](mailto:V.Hill@st-nicholas.cheshire.sch.uk)

**or Post to:** St Nicholas Catholic High School, Greenbank Lane, Hartford, Cheshire. CW81JW

**OFFICIAL USE**

Date Acknowledgement Sent: \_\_\_\_\_

Acknowledgement Sent by who: \_\_\_\_\_

Complaint Referred to: \_\_\_\_\_

Date: \_\_\_\_\_

Reviewed by: Finance, Resource and Personnel Committee	Date: 5 <sup>th</sup> July 2017
Ratified by Governing Body	Date: 12 <sup>th</sup> July 2017
Review of Policy Due By	Date: 12 <sup>th</sup> July 2019