COMPLAINTS POLICY FOR St. Gabriel's Catholic Primary School April 2022

Adopted by Governors April 2022

DIOCESAN EDUCATION SERVICE

Making Christ Known Today

Archdiocese of Birmingham Registered Charity No 234216

1 General Principles

Catholic schools aim to be places where love of one's neighbour is evident at all times. Christ said to His disciples at the Last Supper "This is my commandment, that you love one another, as I have loved you." It is in wishing to uphold this principal that Catholic schools, and those who work there, commit themselves to care for their school community and uphold the Catholic doctrine and the ethos of the school. Nevertheless, as in any organisation, there can be times when a complaint may arise and the aim of this Complaints Policy is to set out how those complaints will be dealt with and how the school will work with all parties involved towards achieving a satisfactory resolution.

The main purposes of this Complaints Policy is to:

- resolve problems as swiftly as possible, ideally through an early informal stage.
- give complainants a means to raise complaints and to have them addressed.
- explain who a complaint should be directed to at the different stages and how they will be dealt with at each stage, including expected timescales.
- encourage all parties to raise and/or respond to complaints as quickly as possible so that they may be dealt with swiftly and whilst the matter is still fresh in people's minds.
- stress that at all stages of this policy any discussions, consideration and hearings will be held with the intention to resolve the complaint rather than apportion blame.

It should be noted that this Complaints Policy does not replace the arrangements for dealing with certain types of complaint that fall outside of its remit and are covered by other policies, for example, admissions to schools, statutory assessments of Special Educational Needs, school re-organisation proposals, any matter that may require a Child Protection Investigation, exclusions, whistleblowing, staff grievances and disciplinary procedures and complaints about services provided by third parties using the school premises or facilities. Schools may seek the assistance or advice from the Diocese or other agencies as appropriate. Any adviser supporting the school through this process may also support the Governors Complaints panel in their deliberations.

Schools recognise that complaints can be submitted by anyone, not just by parents of pupils in the school. Complaints will be dealt with consistently regardless of who the complainant is.

2 The Role of the Individual Governor

It is important that everyone understands that no individual Governor may deal with a complaint. Anyone considering raising a complaint with the school should refer to the Complaints Management Procedure (Appendix B) to check who the complaint should be directed to.
Governors should not get into discussion with a complainant if they are approached but should advise them only of the procedure to follow. If the situation is such that the Governor has to listen in order to help to direct the complainant, then this would prejudice their impartiality if the complaint is raised and they would be unable to take part in the process any further. Should this situation arise, the Governor concerned must inform the Chair of Governors accordingly.

3 Stage 1 – Informal Resolution

In the majority of cases the concern should be handled, if at all possible, without the need to undertake any formal procedures and this should be the objective of all parties involved.

The complaint should be initially discussed with the relevant member of staff, for example the class teacher or form tutor. There is no need at this stage for the complaint to be put in writing, however, the staff member should complete the Initial Record Form (Appendix C) outlining the nature of the complaint and the agreed actions to be taken including any timescales to complete them. A copy of the Initial Record Form should be given to the complainant along with a copy of the school's complaints procedure.

At this stage the complaint should ideally be raised with the relevant staff member within 5 school days of the complainant becoming aware of the complaint/incident and be resolved within 10 school days. The school will, however, consider exceptions to complaints being raised outside of 5 school days and will not refuse to deal with a complaint simply because it has been lodged outside of this preferred timescale. 5 school days is considered to be an appropriate length of time to report a complaint so that it is still fresh in everyone's mind and can be dealt with and resolved as quickly as possible.

Should the person raising the concern be unable to resolve the matter at this stage then they may feel it appropriate to move on to Stage 2 of the process. However, it is expected that the majority of complaints would be resolved by the end of stage 1 without the need to escalate the complaint further.

4 Stage 2 – Formal Resolution

If the complaint cannot be resolved at Stage 1, then the complainant may, if they wish, proceed to Stage 2 by completing and submitting a Stage 2 Complaint Form (Appendix D) to the relevant person as detailed in the Complaints Management Procedure (Appendix B). The Stage 2 Complaint Form should be submitted within 10 school days of the conclusion of Stage 1.
On receipt of the Stage 2 Complaint Form, the relevant person will:

- acknowledge receipt of the Stage 2 Complaint Form within 5 school days.
- investigate the complaint and decide how best to resolve it. This would normally involve meeting with and interviewing the complainant and any other persons.
- within 5 school days of completing the investigation, write to the complainant outlining how the investigation was conducted and the outcome of the complaint. This letter will also include details of what the complainant can do next if the complaint has still not been resolved to their satisfaction. Information advising the complainant that they can escalate the complaint to Stage 3 must also advise them that if they wish to do so then it must be within 10 school days of the notification of the outcome of Stage 2.

5 Stage 3 – Governors Complaints Panel

If the complainant is not satisfied with the outcome of the Stage 2 process, they may, if they wish, request that the complaint be considered by a Governors Complaints Panel. To request this, the complainant will need to complete and return the Stage 3 Complaint Form (Appendix E) within 10 school days of the notification of the outcome of Stage 2. This form should be sent to the Chair of Governors (or the Vice-Chair of Governors if the complaint relates to the Chair) via the school address.

The Governors complaints panel is the last school-based state in the complaints process and is not convened to merely rubber-stamp any previous decisions.

The panel will consist of three members of the Governing Body. No Governor may sit on the panel if they have had any prior involvement in the complaint or in the circumstances surrounding it. Neither the Head Teacher or the Chair of Governors should be a member of

this panel. The panel should elect their own Chair. Where it is not possible for the Governing Body to convene a panel due to there being insufficient Governors who have no prior involvement in the complaint, then another Catholic school may be approached to request that the Governors from that school make up the panel. Anyone from the Governing Body of another Catholic school who sits on the Complaints Panel would become an Associate Member for this purpose.

The Stage 3 Complaint Form will be acknowledged within 5 school days and the Governors Complaints Panel will normally be convened within 20 school days of the receipt of the form. The complainant will be invited to attend the panel hearing and may be accompanied if they wish.

Both parties should normally be present whilst the complaint is being described and responded to. However, there may be situations where the Chair of Governors considers that the relationship between the complainant and the school has broken down to such an extent that any further meeting that they jointly attend would not be beneficial. If this situation arises then the Chair of Governors may decide that the Stage 3 hearing should be held in two parts with each party, and their witnesses, meeting with the Governors Complaints Panel on their own. Should this decision be taken then the Chair of Governors will advise both parties, the Clerk to the Complaints Panel and the Chair of the Complaints Panel accordingly.

The panel will consider the following:

- any appropriate action to be taken to resolve the complaint.
- whether to dismiss the complaint in whole or in part.
- whether to uphold the complain in whole or in part.
- whether changes to the school procedures or systems in the future may be necessary to ensure that situations of a similar nature do not recur.

The panel will take into account whether the complaint has been handled properly and reasonably in accordance with this policy and whether the outcome at Stage 2 was reasonable and appropriate.

As part of the Governors Complaints Panel hearing the following will be undertaken:

- a Clerk to the panel will be appointed. This would usually be the Clerk to the Governing Body.
- the Clerk will ensure that all parties have received a copy of this Complaints Policy.
- the Clerk will set a date, time and venue for the hearing within 20 school days of the receipt of the Stage 3 Complaint Form. The venue will be accessible for all parties.
- at least 10 school days prior to the hearing all parties will submit to the Clerk to the Complaints Panel any written evidence or other documentation to be presented at the hearing, together with the names of any witnesses either party wishes to call.
- all written evidence or other documentation submitted will be sent to all parties and the panel members to arrive at least 5 school days prior to the hearing.
- the Clerk to the Complaints Panel will record the proceedings and notify, in writing, all parties of the panel's decision within 5 school days of the hearing.
- the issues raised in the complaint are addressed.
- the panel will be open minded and act independently.
- no member of the panel will have a vested interest in the outcome of the proceedings or any involvement in any earlier stage of the procedure.
- only the issues raised in the complaint will be discussed and considered. Any new issues raised will need to be raised as a separate complaint and given due consideration by progressing through the Complaints Policy.

- if any party fails to attend the Governors Complaints Panel hearing, then the hearing will continue in their absence and considered on any written evidence that the absent party has submitted at least 10 school days prior to the hearing.

The following points should also be noted:

- all parties shall be put at ease and the hearing will be conducted as informally as possible with each party treating the other with respect and dignity.
- the Chair of the Complaints Panel will explain the panel's remit to all parties and ensure that each party has the opportunity to put their case without undue interruption and to ask questions.
- witnesses are only required to attend for the part of the hearing in which they give their own evidence.
- after an introduction by the Chair of the panel, the complainant is invited to explain their complaint and be followed by their witnesses.
- the Headteacher (or the representative for the school) may question both the complainant and the witnesses after each has spoken but only to clarify what they are saying.
- the Headteacher (or the representative for the school) is then invited to explain the school's actions and be followed by the school's witnesses.
- the complainant may question both the headteacher (or the representative for the school) and the school's witnesses after each has spoken but only to clarify what they have said.
- the panel may ask questions at any time.
- the complainant is invited to sum up their complaint.
- the Headteacher (or the representative for the school) is invited to sum up the school's actions and response to the complaint.
- the Chair explains that both parties will receive the written decision of the panel from the Clerk within 5 school days.
- both parties leave together whilst the panel considers the issues. The Clerk, and any other advisers, may be present with the panel during their discussion but the conclusions and recommendations are the responsibility of the panel members only.

The Chair of the Complaints Panel will ensure that all parties are notified of the panel's decision within 5 school days. The reasons for the decision will be clearly defined, in plain English.

If either party requires clarification concerning any points in the letter, this will be provided by the Chair of the Complaints Panel.

6 Anonymous Complaints

Anonymous complaints will not be investigated under this policy unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues, where the School would either involve external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

7 Serial and Persistent Complaints

There will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. Where a complainant tries to reopen the same issue, the Chair to the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed.

8 Duplicate Complaints

After a complaint has reached the end of the complaints procedure, if a duplicate complaint is then received from a different person regarding the same subject, then the school will not process that as a fresh complaint. The new complainant will be advised to contact the School Complaints Unit (see point 13 below) if they are dissatisfied with the school's handling of the original complaint.

9 Complaint Campaigns

If the school becomes the focus of a campaign and receives a large volume of complaints that are all based on the same subject and/or are from complainants unconnected with the school, then they will be dealt with separately. The school will establish the most appropriate way to deal with these which could include sending a template response to all complainants or publishing a single response on the school's website.

10 Third Parties

If a complaint relates to a third party who is using the school premises or facilities then that complaint must be submitted directly to the third party concerned following their own complaints procedures. For example, this could be where the school site is being used for community facilities or services.

11 Deviation from following this published procedure

There may be occasions when it is necessary or reasonable to deviate from the published complaints procedure. This could be not doing something that the procedure says that the school will, should or may do. In the event that this is deemed to be necessary the school will document any deviation and reasons for it.

12 Time Scales

Clear timescales are set out in this procedure defining the time frame that a complaint will be dealt with at each stage. However, in the event of a complaint being complex and further investigations are necessary it may become clear that the published timescale cannot be met. In this event then the school will set new timescales. The complainant will be sent the details of the next timescales and be provided with an explanation of the delay.
Where a complainant submits a complaint outside of the time frame outlined in these procedures the school will take exceptional circumstances into account when deciding whether to accept or progress a complaint and will not refuse to deal with a complaint simply because it has been lodged outside of this preferred timescale.

13 Taking a complaint further

If a complainant has completed the stages in this Complaints Policy and is still 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 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 as this remains the responsibility of the school.

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 it may request that the complaint is looked at again.

The SCU can be contacted as follows:

National Helpline – 0370 000 2288
Website – www.education.gov.uk/help/contactus
Address – Department for Education
School Complaints Unit
2nd Floor
Piccadilly Gate
Store Street
Manchester
M1 2WD

14 Expectations under this procedure

When raising a complaint under this policy a complainant can expect the school to:

- take the complaint seriously.
- treat them with courtesy and respect.
- deal with the complaint with discretion and confidentiality (although if the matter relates to the safety and wellbeing of a child then the school may have to share the details with other agencies).
- offer them the opportunity to be accompanied by a friend, adviser or colleague.
- meet the timescales set unless there are good reasons to extend these, in which case they will be informed of this.
- seek and offer resolution at all stages.
- inform them of the action taken to resolve the complaint and of any measures put in place to ensure that a similar complaint does not arise in the future.

In turn, the school expects that complainants will:

- treat school staff with respect.
- be mindful of the need to keep information relating to children confidential in the interest of all students.
- enter into the process in the spirit of seeking resolution.
- appreciate that if the school considers that disciplinary action may be necessary against a member of staff then this will be dealt with under the school's disciplinary procedure and in confidence.

If there are any queries regarding this policy or the complaints process, please contact the Birmingham Diocesan Education Service:

Email: governance@bdes.org.uk

Telephone: 01675 464755

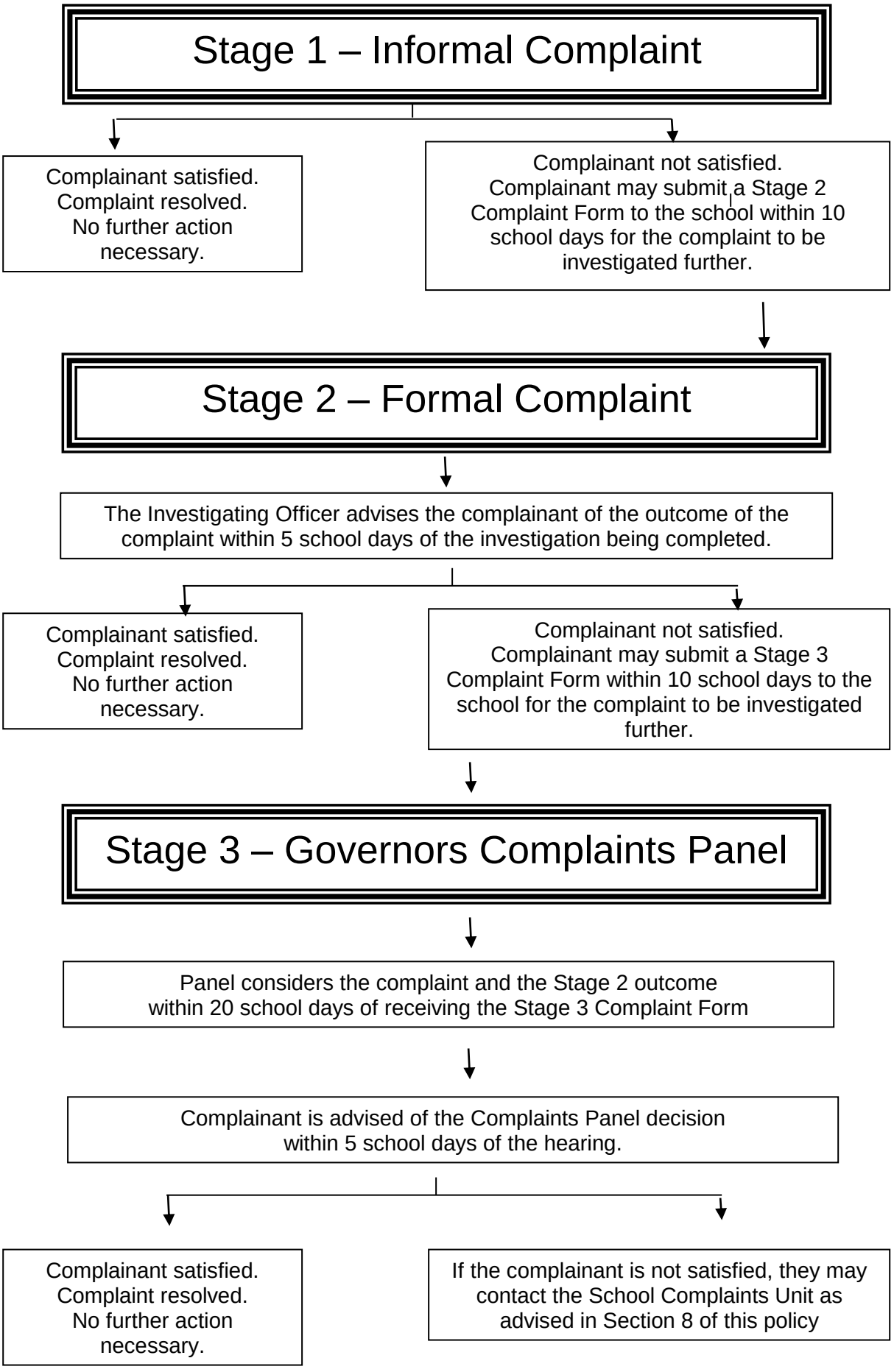
Address – Birmingham Diocesan Education Service
Don Bosco House
Coventry Road
Coleshill
Birmingham

B46 3EA

Website: www.bdes.org.uk

Appendix A

FLOWCHART TO SHOW GENERAL COMPLAINTS PROCESS



Appendix B

Complaints Management Procedure

Who the Complaint relates to:	**Stage 1: Informal Resolution**	**Stage 2: Formal Resolution**	**Stage 3: Governors Complaints Panel**
Pupil, parents or staff (other than the Head Teacher	The relevant member of staff, eg the class teacher or form tutor	The Head Teacher or other Senior Manager	Panel appointed by the Chair of Governors
The Head Teacher	The Head Teacher	The Chair of Governors or another nominated non-staff Governor	Panel appointed by the Vice Chair of Governors
A Governor or Governors (other than the Chair of Governors)	The Chair of Governors	Another nominated non-staff Governor	Panel appointed by the Vice Chair of Governors
The Chair of Governors (or a group of Governors including the Chair of Governors)	The vice Chair of Governors	Another nominated non-staff Governor	Panel appointed by the Vice Chair of Governors
If a complaint relates to the entire governing body or involves both the Chair and Vice Chair then it should be submitted to the Clerk to the Governing Body who will then determine the most appropriate course of action. This will depend on the nature of the complaint. This may involve sourcing an independent investigator to consider the complaint initially and then co-opted governors from other schools to hear the complaint if it progresses to a panel hearing.			

Note: No Governor will be involved at Stage 3 if they have been involved in the complaint in any way prior to the Stage 3 panel hearing.

Appendix C

Initial Record Form for a School Complaint

School:		
Name of Complainant:		
Name of Child:		
Date of Contact with School:		
Nature of Concern		
Actions Taken		
Name:	Signature:	Date:

Appendix D

Stage 2 Complaint Form

Your Name:	
Child's Name:	
Your relationship to the child:	
Address:	
Postcode:	
Telephone Number(s):	
Email Address:	
Details of your complaint:	
What action, if any, have you already take to resolve your complaint? Please include details of who you spoke to and what was the response/outcome:	

What actions do you feel may resolve the complaint at this stage?	
Are you attaching any paperwork to this Form? If yes, please give details.	
Signature:	Date:
For Office Use Only	
Date acknowledgement sent:	
By who:	
Complaint referred to:	
Date complaint referred:	

Appendix E

Stage 3 Complaint Form

Your Name:	
Child's Name:	
Your relationship to the child:	
Address:	
Postcode:	
Telephone Number(s):	
Email Address:	
Please provide details of why you are dissatisfied with the outcome of the Stage 2 investigation:	
What actions do you feel may resolve the complaint at this stage?	

Are you attaching any paperwork to this Form? If yes, please give details.	
Signature:	Date:
For Office Use Only	
Date acknowledgement sent:	
By who:	
Complaint referred to:	
Date complaint referred:	

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Web: www.bdes.org.uk

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