

St Richard's Catholic College

General Complaints Policy and Procedures including School Policy for Handling Unreasonable Complaints

In developing this policy, St Richard's Catholic College has noted 'Best Practice Guidance for Schools Complaints Procedures, 2020' published by the Department for Education, June 2020



The Policy was approved by the Governing Body: September 2020

Chair of Governors: _____

The Governing Body will review the policy in September 2022

GENERAL COMPLAINTS POLICY AND PROCEDURES

The Governors and Leadership and Management Team of St Richard’s Catholic College welcome feedback, both positive and negative, about how it is doing. Where someone has a concern or complaint, St Richard’s Catholic College will endeavour at all times to deal with the issues responsively and reasonably and, if necessary, put things right as quickly as possible.

A **concern** may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’. A **complaint** may be generally defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

Who can make a complaint?

Any person, including members of the general public, may make a complaint about any practice, provision of facilities or services that the school provides, unless separate statutory procedures apply (such as exclusions or admissions). St Richard’s Catholic College does not limit complaints to parents or carers of children that are registered at the school.

General Principles:

- An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances.
- To allow for a proper investigation, complaints should be brought to the attention of the school as soon as practicably possible. Any matter raised more than 3 calendar months after the event being complained of will only be investigated, in exceptional circumstances.
- Investigation of any complaint or review request will begin within five school days of receipt of the same, save in exceptional circumstances. The investigation will be completed as soon as reasonably practicable.
- We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

Complaints not in Scope of the Policy

This complaints procedure covers all complaints about any provision of facilities or services that the school itself provides or facilitates with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exceptions	Who to contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	<p>Concerns should be raised direct with the relevant Local Authority – East Sussex County Council.</p> <p>For school admissions, the Admissions Committee of St Richard’s Catholic College should be contacted.</p> <p>Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> • Exclusion of children from school 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p>
<ul style="list-style-type: none"> • Whistleblowing 	<p>St Richard’s Catholic College has an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to:</p> <p>WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD.</p> <p>The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	<p>These matters will invoke the school’s internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the school’s internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the</p>

	complainant will be notified that the matter is being addressed.
<ul style="list-style-type: none">• Complaints about services provided by other providers who may use school premises or facilities.	Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.

Part A - Complaining about the actions of a member of staff other than the Principal.

1) Informal Stage

The complainant is normally expected to arrange to communicate directly with the member of staff concerned. This may be by letter, telephone or in person by appointment. Many complaints can be resolved by simple clarification or the provision of information and it is anticipated that most complaints will be resolved by this informal stage. The complainant will be asked what they think might resolve the issue (an acknowledgement that the school could have handled the situation better is not the same as an admission of unlawful or negligent action). In the case of serious complaints it may be appropriate to address them directly to the Principal.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Principal will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Principal will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

2) Formal Stage

If the complaint is not resolved at the informal stage, the complainant may put the complaint in writing, by telephone or be made in person to the Principal, who will be responsible for its investigation.

The complainant will be asked to include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

The Principal will collect such other evidence as he/she deems necessary. Where this involves an interview with a member of staff, who is the subject of the complaint, that member of staff may be accompanied by a friend or union representative if they wish.

The investigation will begin as soon as possible and when it has been concluded, the complainant and the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full. Some details may then be given of action the school may be taking to review procedures but details of the investigation or of any disciplinary procedures will not be released.
- The matter has been fully investigated and appropriate procedures are being followed, which are strictly confidential. E.g. where staff disciplinary procedures are being followed.

The complainant will be told that consideration of their complaint by the Principal is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, the complainant may request that a panel of the Governing Body review the process followed by the Principal in handling the complaint. Any such request must be made in writing within 10 working days of receiving notice of the outcome from the Principal, and include a statement specifying any perceived failures to follow the procedure. The procedure described in Part C will be followed.

If the complainant considers that the decision of the Principal is irrational, or that the Principal has acted unreasonably in considering the complaint, then the complainant may bring a complaint against the Principal under part B of this procedure. This will provide an opportunity for the evidence to support such a complaint to be investigated.

Record Keeping

The progress of the complaint and the final outcome will be recorded. The Complaints Co-ordinator is responsible for these records and holds them centrally. Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

Part B - Complaining about the actions of the Principal

1) Informal stage

The complainant is usually expected to arrange to speak directly with the Principal. In the case of serious complaints it may be appropriate to raise them directly with the Chair of the Governing Body. Many complaints can be resolved by simple clarification or the provision of information. If the matter is not resolved and, both parties agree - then a third party may be invited to act as a mediator at a further meeting.

2) Formal Stage

If the complaint is not resolved at the informal stage the complainant must put the complaint in writing and pass it to the Chair of the Governing Body who will determine which of the agreed procedures to invoke. If it is determined that the complaint is "General", the Chair will arrange for its investigation.

The complainant will be asked to include details which might assist the investigation, such as names of potential witnesses, dates and times of events, copies of relevant documents. In addition, the complainant will be invited to meet with the Chair to present oral evidence or to clarify the complaint.

The Chair will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.

The Principal will be provided with a copy of the complaint and any additional evidence presented by the complainant or collected by the Chair. Once there has been an opportunity for the Principal to consider this, he/she will be invited to meet separately with the Chair, in order to present written and oral evidence in response. The Principal may be accompanied at this meeting by a friend or union representative.

When the investigation has been concluded, the complainant and the Principal will be informed in writing of the outcome. The complainant will not be informed of any disciplinary/capability action.

The complainant will be told that consideration of their complaint by the Chair is now concluded.

If the complainant is not satisfied with the manner in which the process has been followed, or considers that the decision of the Chair is perverse, or that the Chair has acted unreasonably in considering the complaint, then the complainant may request that a panel of the Governing Body review the handling of the complaint by the Chair. Any such request must

be made in writing within 2 weeks of receiving notice of the outcome from the Chair, and include a statement specifying any perceived failures.

Record Keeping

The progress of the complaint and the final outcome will be recorded. The Complaints Coordinator is responsible for these records and holds them centrally. Complainants have a right to copies of these records under the Freedom of Information and Data Protection Acts.

Part C - Review Process

Any review of the process followed by the Principal or the Chair shall be conducted by a Panel of 3 members of the Governing Body.

The review will normally be conducted through a consideration of written submissions, but reasonable requests to make oral representations will be considered sympathetically.

The panel will first receive written evidence from the complainant.

The panel will then invite the Principal or the Chair, as appropriate, to make a response to the complaint.

The panel may also have access to the records kept of the process followed.

The complainant, and the Principal or the Chair, as appropriate, will be informed in writing of the outcome. This may be to the effect that:

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The concern was substantiated in part or in full but that the procedural failure did not affect the outcome significantly so the matter is now closed.
- The concern was substantiated in part or in full and the Governing Body will take steps to prevent a recurrence or to rectify the situation where this is practicable.

Notes

The complainant is not entitled to access to any details of the investigation except for any statements that may have been provided by their child. Any information relating to the application of disciplinary procedures is strictly confidential.

If a complainant believes that the Governing Body has acted illegally or arbitrarily in handling the complaint, then the complainant may make representations to the Secretary of State for Education.

Carrying out an Investigation into a Formal Complaint

The investigation of an allegation or a complaint will always be carried out thoroughly and responsibly, irrespective of whether the complaint appears to be trivial or serious. The outcome of such an investigation will have significance not only for the complainant but also for the member of staff against whom the complaint has been made.

Any procedure will include provision that "An anonymous complaint will not be investigated under this procedure unless there are exceptional circumstances." These would include serious concerns such as child protection issues or bullying allegations, where the school would either involve appropriate external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

Where the Principal or Chair of Governors receives a complaint, it will be acknowledged formally and a commitment made that the complaint will be investigated and the outcome of the investigation notified to the complainant in due course. Save for exceptional circumstances, the member of staff against whom the complaint has been made, will be notified that a complaint has been received, provided with a copy of the complaint and be informed that an investigation will be carried out.

It is essential that there is a clear understanding of the complaint. Where necessary the nature of the complaint will be confirmed with the complainant.

Once the complaint has been confirmed the investigator will establish who they wish to interview and what documentation they will need to review.

Arrangements will be agreed so that accurate notes can be taken of all interviews and the outcome of the investigation be accurately recorded.

The complainant and the member of staff will be given the opportunity to offer documentation and to identify potential witnesses or sources of evidence.

The member of staff subject to the complaint will be advised that they may be accompanied by a friend or trade union representative when invited to be interviewed.

Where children are potential witnesses, discretion will be exercised over their involvement. Pupils will only be interviewed when the nature of the complaint is sufficiently serious to warrant it and adult witnesses are not available. Only in extreme circumstances will younger pupils be interviewed.

Any interviews will be conducted as soon as possible to ensure that recollections are as fresh as possible and to minimise the possibility that evidence will become tainted through witnesses discussing alleged incidents with other persons.

In conducting interviews, the investigator will prepare the questions to be asked prior to the interview. These can always be supplemented during the interviews. The investigator will allow the interviewee to answer in their own way. Their responses will be listened to attentively. Any temptation to cut an interviewee short or to seek to "lead" them must be resisted. The interviewee will be given the opportunity of providing other relevant information at the end of the interview.

Interviewees will, however, be advised that their responses must be confined to the substance of the complaint. Any attempt by the interviewee to introduce information relating to other members of staff or to issues unrelated to the complaint will be resisted.

The investigator will avoid reaching conclusions or passing judgement until the investigation has been completed.

A summary of the process undertaken and the outcome of the investigation will be provided to both the complainant and the member of staff against whom the complaint has been made. Caution must be exercised in reporting back to the complainant as revealing certain details may prejudice the ability of the employee to continue in post.

Any recommendations will also be shared with all parties, unless there is good reason not to. Wherever possible, recommendations will be constructive and not punitive.

The complainant will be advised that he/she may, if they are not satisfied that the appropriate procedure has been followed, request a review of that process by the Governing Body.

Serial and Persistent Complainants

St Richard's Catholic College will do its best to be helpful to people who contact them with a complaint or concern or a request for information. However, in cases where the school is contacted repeatedly by an individual making the same points, or who asks them to reconsider their position, the school will act appropriately.

There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied. It is a poor use of the school's time and resources to reply to repeated letters, emails or telephone calls making substantially the same points. If a complainant tries to re-open the same issue, the Chair of Governors will inform them that the procedure has been completed and that the matter is now closed.

If the complainant contacts St Richard's Catholic College again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

The application of a 'serial or persistent' marking will be against the subject or complaint itself rather than the complainant.

Summary of the Complaints Procedure

Stage One

Informal Stage

- Communicate with member of staff directly.
- Ensure Complaints Co-ordinator is informed.
- If the complaint is not resolved at the informal stage then it may be escalated to Stage Two.

Stage Two

Formal Stage – Complaint heard by Principal

- Allow complaint to be presented in writing, by telephone or in person.
- Acknowledge receipt of complaint
- Investigation takes place
- Write to complainant with outcome of investigation
- Ensure Complaints Co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied

Stage Three

Formal Stage – Complaints Panel Meeting

- Issue letter inviting complainant to meeting
- Investigation takes place
- Issue letter confirming panel decision
- Ensure Complaints Co-ordinator informed of outcome
- Advise of escalation routes to the Secretary of State for Education

The Remit of the Complaints Appeal Panel

The panel can:

- 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.

Governors sitting on the Complaints Appeal Panel are aware that:

- a. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Governors will try to ensure that it is a cross-section of the categories of Governor and sensitive to the issues of race, gender and religious affiliation.
- b. The aim of the hearing, which is held in private, will always be to resolve the complaint and achieve reconciliation between St Richard's Catholic College and the complainant. However, it has to be recognised the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- c. An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is taken to ensure the setting is informal and not adversarial.
- d. Extra care is taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel is aware of the views of the child and will give them equal consideration to those of adults. Where the child's parent is the complainant, it the parent will have the opportunity to say which parts of the hearing, if any, the child needs to attend.
- e. Furthermore, any Governors sitting on the panel will be aware of the complaints procedure.

Roles and Responsibilities

The Role of the Clerk

Any panel or group of Governors considering complaints will be clerked. The clerk is the contact point for the complainant and is 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;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all parties of the panel's decision.

The Role of the Chair of the Governing Body or the Nominated Governor

The nominated Governor role:

- check that the correct procedure has been followed;
- if a hearing is appropriate, notify the clerk to arrange the panel.

The Role of the Chair of the Panel

The Chair of the Panel, ensures that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents and others who may not be used to speaking at such a hearing are put at ease;
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy;
- the panel is open minded and acting independently;
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure; each side is given the opportunity to state their case and ask questions;
- written material is seen by all parties. If a new issue arises it is given in sufficient time to all parties in order that they may consider and comment on it.

Notification of the Panel's Decision

The Chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with the panel's response. The letter will explain if there are any further rights of appeal and, if so, to whom they need to be addressed.

Checklist for a Panel Hearing

The panel will take the following points into account:

- The hearing is as informal as possible.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence.
- After introductions, the complainant is invited to explain their complaint, and be followed by their witnesses.
- The Principal may question both the complainant and the witnesses after each has spoken.
- The Principal is then invited to explain the school's actions and be followed by the school's witnesses.
- The complainant may question both the Principal and the witnesses after each has spoken.
- The panel may ask questions at any point.
- The complainant is then invited to sum up their complaint.
- The Principal is then invited to sum up the school's actions and response to the complaint.
- Both parties leave together while the panel decides on the issues.
- The chair explains that both parties will hear from the panel within a set time scale.

School Policy for Handling Unreasonable Complainants

St Richard's Catholic College is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

St Richard's Catholic College defines unreasonable complainants 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*'.

A complaint may be regarded as unreasonable when the person making the complaint:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Principal or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Principal will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact St Richard's Catholic College causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include barring an individual from St Richard's Catholic College.

Barring from the School Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community.

If a parent's behaviour is a cause for concern, a school can ask him/her to leave school premises. In serious cases, the Principal or the Local Authority can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent may wish to make. St Richard's will always give the parent the opportunity to formally express their views on the decision to bar in writing.

The decision to bar should then be reviewed by the Chair of Governors or a Committee of Governors, taking into account any representations made by the parent, and either confirmed or lifted. If the decision is confirmed the parent should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Principal or Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

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, we 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 her 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.

Further information can be obtained from the SCU by calling the National Helpline on **0370 000 2288** or going online at: www.education.gov.uk/help/contactus or by writing to:

Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street Manchester M1 2WD

Appendix A –Complaint Form

Please complete and return to Mrs Oliver, Complaints Co-ordinator, who will acknowledge receipt and explain what action will be taken. Alternatively, your complaint may be made by telephone or in person.

Your Name:
Pupil's Name:
Your relationship to the pupil:
Your Address:
.....
.....
.....
Postcode:
Daytime telephone number:
Evening telephone number:
Please give details of your complaint:
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to and what was the response?)
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

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

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

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

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Signature:

Date:

Official Use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Appendix B – Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- co-operates with the school in seeking a solution to the complaint;
- expresses the complaint in full as early as possible (in writing, by telephone or in person);
- responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- asks for assistance as needed;
- treats all those involved in the complaint with respect.
- Refrains from publishing the details of their complaint on social media and respect confidentiality.

The Complaints Co-ordinator

The Complaints Co-ordinator will:

- ensure that the complainant is fully updated at each stage of the procedure;
- ensure that all people involved in the complaint procedure will be aware of the legislation around complaints including the Equality Act 2010, Data Protection Act 1998 and Freedom of Information Act 2000;
- liaise with staff members, Principal, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- keep records;
- be aware of issues regarding:
 - sharing third party information;
 - additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
 - consideration of records and other relevant information;
 - interviewing staff and children/young people and other people relevant to the complaint;
 - analysing information;
- effectively liaising with the complainant and the Complaints Co-ordinator as appropriate to clarify what the complainant feels would put things right;
- identifying solutions and recommending courses of action to resolve problems;
- being mindful of the timescales to respond; and
- responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- conduct interviews with an open mind and be prepared to persist in the questioning;
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting;
- be mindful of the timescales to respond and prepare a comprehensive report for the Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems. The Principal or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

The Panel Clerk (this could be Clerk to the Governors or the Complaints Co-ordinator)

The Clerk is the contact point for the complainant for the panel meeting and is expected to:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR);
- 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;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- circulate the minutes of the panel hearing;
- notify all parties of the panel's decision;
- liaise with the Complaints Co-ordinator.

The Committee Chair

The Committee Chair has a key role in ensuring that:

- the meeting is minuted;
- the remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- the issues are addressed;
- key findings of fact are made;
- parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- the hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- the layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- the panel is open-minded and acts independently;
- no member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- both the complainant and the school are given the opportunity to state their case and seek clarity;
- written material is seen by everyone in attendance – if a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the hearing;
- liaise with the Clerk and Complaints Co-ordinator.

Panel Member

Panellists will need to be aware that:

- it is important that the review panel hearing is independent and impartial, and that it is seen to be so;

No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

- the aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant;

However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- many complainants will feel nervous and inhibited in a formal setting;

Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing;

Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults.

If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.

The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.

- The welfare of the child/young person is paramount.

Appendix C – Example of a Complaints Procedure

Stage One: Complaint Heard by Staff Member

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and St Richard's Catholic College can be crucial in determining whether the complaint will escalate. For that reason, staff are made aware of the procedures, and they know what to do when they receive a complaint.

St Richard's Catholic College respects the views of complainants who indicate that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the Complaints Co-ordinator will refer the complainant to another staff member. Where the complaint concerns the Principal, the Complaints Co-ordinator will refer the complainant to the Chair of Governors.

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. The member of staff may be more senior but does not have to be.

Where the first approach is made to a Governor, the next step is to refer the complainant to the appropriate person and advise them about the procedure.

The Complaints Co-ordinator is the PA to the Principal, who can be contacted via pa@strichardscc.com (marking your email "*For the attention of the Complaints Co-ordinator*") or by telephone on 01424 731070, extension 103.

Stage Two: Complaint Heard by Principal

At this point, the complainant may be dissatisfied with the way the complaint was handled at stage one as well as pursuing their initial complaint. The Principal may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

Stage Three: Complaint Heard by an Appeal Panel of the Governing Body

The complainant needs to write to the Chair of Governors giving details of the complaint. The Chair, or a nominated Governor, will convene a Governing Body Complaints Panel.

The Governors' appeal hearing is the last school-based stage of the complaints process.

Individual complaints would not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Governing Body may nominate a number of members with delegated powers to hear complaints at that stage, and set out its terms of reference. These can include:

- drawing up its procedures;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own chair.

Appendix D: School Complaints Procedure – Flowchart

Summary of Dealing with Complaints

