



# Complaints Procedure Guidance

This document compliments the 'Model Complaints Procedure' offering advice on its use

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**DIOCESAN EDUCATION SERVICE**

Archdiocese of Birmingham Registered Charity No 234216

*Making Christ Known Today*



# GUIDELINES FOR THE IMPLEMENTATION OF THE MODEL COMPLAINTS PROCEDURE

## 1 OVERVIEW

- 1.1 Governing Bodies of all maintained schools are required, under Section 29 of the Education Act 2002, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires the procedures to be publicised.
- 1.2 The Governing Body's complaints procedure does not replace the arrangements for dealing with certain types of complaint that fall outside the remit of the Governing Body's complaints procedure (see 2.5). A number of other procedures already exist:
- Admissions Procedures
  - Child Protection Procedures
  - Curriculum Complaints Procedures
  - Staff Grievance and Disciplinary Procedures
  - Exclusions Procedures
  - Special Educational Needs Procedures
  - Procedures for querying public examination results.
- 1.3 These guidelines for dealing with complaints describe an internal code of practice for schools to adopt to help them operate effectively the Diocesan 'Model Complaints Procedure'. This guidance supports the operation of the model procedure; they do not form part of the Complaints Procedure itself.
- 1.4 Catholic schools aim to be places where love of one's neighbour is obvious at all times. As St. John reports, Christ said to his disciples at the Last Supper "This is my commandment, that you love one another, as I have loved you".
- 1.5 Catholic schools are staffed by teachers who are not only qualified and expert in their own field but who also, having freely chosen to become teachers in a Catholic institution, commit themselves to care for and help children in every way possible consistent with Catholic doctrine, principles and the Catholic ethos of the school. Nevertheless, as in any organisation, parents may from time to time raise a concern.

## 2 GENERAL PRINCIPLES

### 2.1 Dealing with complaints – Initial concerns

- 2.1.1 Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
- 2.1.2 The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in anyway undermine efforts to resolve the concern informally. In most cases staff members will receive the first approach, as an expression of concern. It would be helpful if staff were able to resolve issues on the spot, apologising where necessary, without any implication of negligence. The nature of the complaint needs to be carefully scrutinised to make sure that it is a matter that can be handled under the Complaints Procedure, and not a matter that would give rise to other procedures being used.

2.1.3 It is good practice for the member of staff dealing with any concern to keep brief contemporaneous notes, outlining the issue, contacts with the concerned person and any action taken, including any apology where necessary.

## 2.2 Dealing with concerns – Formal procedures

2.2.1 The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising concerns remains dissatisfied and wishes to take the matter further.

2.2.2 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 the school can be crucial in determining whether the complaint will escalate. To that end, if all staff are made aware of the procedures, they know what to do when they receive a complaint and understand the importance of treating complainants and complaints respectfully.

2.2.3 Action through a complaints procedure may lead to action being initiated under other procedures for example, disciplinary or child protection procedures (see 1.2). In these cases if on further investigation another procedure is more appropriate, this will then be enacted and the publicised Complaints Procedure will not be initiated. However, if the Complaints Procedure has begun it will be suspended. The complainant should be advised if this is the case and also informed of the likely delay in the final resolution of their complaint.

2.2.4 If the complaint is about misconduct of a member of staff, the complainant should be informed at an early stage that should any disciplinary action be taken, then that would be a confidential personnel matter. The complainant would be informed that the complaint had been superseded by a disciplinary procedure and that it would not be possible to inform the complainant of the details of any sanction imposed.

2.2.5 Schools are advised to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'complaints co-ordinator'. The complaints co-ordinator should be the headteacher or if this is not possible the headteacher's nominee.

2.2.6 Where the headteacher is the subject of a complaint the procedures need to be modified accordingly. The complaint would be referred to the chair of governors. Advice can be sought from the Diocesan Education Service.

## 2.3 Framework of principles

2.3.1 An effective complaints procedure will:

- encourage resolution of problems by informal means wherever possible
- be easily accessible and publicised
- be simple to understand and use
- be impartial
- be non-adversarial
- allow swift handling with established time-limits for action and keeping people informed of the progress
- ensure a full and fair investigation by an independent person where necessary
- respect people's desire for confidentiality
- address all the points at issue and provide an effective response and appropriate redress, where necessary
- provide information to the school's senior management team so that services can be improved.

## 2.4 Investigating complaints

2.4.1 It is suggested that at each stage, the person investigating the complaint makes sure that they:

- understand the procedures for dealing with complaints
- treat the complainant and the complaint respectfully
- practise good listening skills
- establish what has happened so far, and who has been involved
- clarify the nature of the complaint and what remains unresolved
- meet with the complainant or contact them (if unsure or further information is necessary)
- clarify what the complainant feels would put things right
- interview those involved in the matter and/or those complained of; allowing them to be accompanied if they wish
- conduct the interview with an open mind and be prepared to persist in the questioning
- obtain the complainant's acknowledgement that their problem has been dealt with satisfactorily where possible
- keep notes of the interview and the action taken.

## 2.5 Resolving complaints

2.5.1 Not all complaints can be resolved to the satisfaction of the complainant. For example, there will be occasions, when after investigation, the staff member has been seen to act appropriately and reasonably. Therefore, it is possible that a complaint may not be upheld.

2.5.2 At each stage in the procedure schools will want to keep in mind ways in which, where appropriate, a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps taken to ensure it will not happen again
- an undertaking to review school policies in the light of the complaint.

2.5.3 It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same thing as an admission of negligence.

2.5.4 An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

2.5.5 Where complaints cannot be resolved within the relevant stage of the procedure, complainants will be informed of what they can do next.

## 2.6 Vexatious complaints

- 2.6.1 If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to re-open the same issue, the chair of the governing body is able to inform them in writing that the procedure has been exhausted and the matter is now closed. If parents make repeated complaints that appear to be vexatious the school is encouraged to seek advice from the Diocesan Education Service.

## 2.7 Time limits

- 2.7.1 Complaints need to be considered, and resolved, as quickly and efficiently as possible. The Model Complaints Procedure has time limits, written in the procedure, for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

# 3 THE FORMAL COMPLAINTS PROCEDURE

## 3.1 The stages of complaints

- 3.1.1 The Model Complaints Procedure has well-defined stages with set time frames. At any stage of the procedures, where complaints cannot be resolved, complainants should be advised what they can do next and any time limit.
- 3.1.2 In most cases informal discussion will resolve a matter of concern, so schools should encourage this first before encouraging recourse to the formal complaints procedure.
- 3.1.3 It is good practice during such discussions to clarify with the complainants what they feel would resolve the issue. If their expectations are unrealistic, this should be gently pointed out to them.
- 3.1.4 At the end of such a meeting, it is good practice to rehearse point by point what has been agreed (and what has not been agreed); to write these points down as they are made and to say to the complainants that these points will be written up and sent to them for their records and a copy would be kept by the school.
- 3.1.5 Informal discussion of concerns should not extend over numerous meetings and should not normally involve further people eg. the chair of governors or parish priest.
- 3.1.6 Concerns should never be taken to the full governing body. This would 'taint' governors and leave the governing body unable to find unprejudiced governors for any subsequent panel hearings in the complaints procedure or any consequent procedures (for example if investigation of the complaint uncovered staff misconduct).
- 3.1.7 If the concern is not resolved in one or two meetings, the complainants should be given a copy of the complaints procedure. It should be explained that if the complainants want to pursue the issue, then it would be best to put it on a formal footing and if the complainants needed further discussion then the next meeting would be stage one of the formal procedure.

## 3.2 Stage One: complaint heard by complaints co-ordinator;

- 3.2.1 In most primary schools the complaints coordinator is the headteacher, but in secondary schools it may be the deputy headteacher or other senior leader.
- 3.2.2 It is useful if the complaints coordinator has some training in conflict management and investigations.

3.2.3 The complaints coordinator may seek advice from the Diocesan Education Service with regards to procedure.

### 3.3 **Stage Two: complaint heard by governing body's complaints panel.**

3.3.1 The panel may consist of between three to five governors representing a cross section of the different categories of governor, but the headteacher and chair of governors should not be members of this panel, which must be independent and seen to be impartial. The panel should elect their own chair.

3.3.2 Fortunately, complaints are not common in schools, but this means that panel members may not be familiar with procedure. Panel members should carefully read the procedure and this guidance.

3.3.3 Panel members may seek advice from the Diocesan Education Service

3.3.4 This concludes the school based stages, but the procedures allow for an additional stage:

### 3.4 **Stage Three: complaint process investigated by the Diocesan Education Service.**

3.4.1 This stage is essentially a review of the conduct of the school based parts of the procedure. It cannot reverse any judgements of the school. It would however involve some examination of the context of the complaint to establish whether or not the school had conducted the procedure and come to its judgements in a reasonable way.

3.4.2 A copy of the report from the Diocesan Education Service will be sent to the complainant, the headteacher, the chair of governors and the chair of the complaints committee.

3.4.3 The report may give recommendations to the governing body.

3.5 Beyond stage 3 an individual can complain to the secretary of state.

## 4 **MANAGING AND RECORDING COMPLAINTS**

### 4.1 **Recording complaints**

4.1.1 A complaint should preferably be made in writing. If a concern, discussed face to face or on the telephone, cannot be resolved and becomes a complaint then the complaint should be formalised in writing.

4.1.2 At the end of a discussion, either face to face or on the telephone, the member of staff should try and ensure that the complainant and the school share the same understanding of what was discussed and agreed.

4.1.3 It is good practice to keep a brief note of meetings and telephone calls. Any written response made by the school should be added to the record. It can be useful to record and keep note of the following information:

- name of complainant
- address / telephone number of complainant
- nature of complaint
- preferred solution
- name of person recording the complaint
- date complaint recorded.

4.1.4 The complaints co-ordinator should be responsible for the records and hold them centrally.

## **4.2 Governing body monitoring of the complaints procedure**

- 4.2.1 The governing body can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the whole governing body should not name individuals.
- 4.2.2 Great care should be exercised while a complaint is in process that nothing is revealed to the full governing body that could compromise the procedure or any consequential procedures.
- 4.2.3 As well as addressing an individual's complaints, the process of listening to, and resolving complaints should contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the governing body can be a useful tool in evaluating the school's fulfilment of its mission and its performance.

## **4.3 Outcomes of the process**

- 4.3.1 In all cases and at each stage, where a complaint has been investigated, the complainant will be informed of the findings in writing.
- 4.3.2 Where the complaint has been investigated by the school's complaints coordinator, the coordinator needs to ensure that the complainant is notified of the result, in writing. In case the complainant is not satisfied, the letter should advise the complainant of the right to appeal to a panel of governors, how to do this and the time limit for making the appeal.
- 4.3.3 Where the complaint has been investigated by the governing body's complaints appeal panel the chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing. In case the complainant is not satisfied that the complaints procedures were conducted properly, the letter should advise the complainant of the right to appeal to the Director of Education, at the Diocesan Education Service<sup>1</sup>. The letter should include the time limit for any such appeal.
- 4.3.4 Redress should be appropriate to the complaint [see section 2.5]. The school should ensure that any agreed preventative or remedial action is carried out.

## **4.4 Publicising the procedure**

- 4.4.1 There is a legal requirement for the Complaints Procedure to be publicised. It is up to the governing body to decide how to fulfil this requirement. Copies of the complaints procedure should be made available in school. Schools may choose to publish an explanatory leaflet or guidance specifically for parents / guardians. Schools should at least make mention of the procedures in:
- the school prospectus;
  - documents supplied to community users including course information or letting agreements;
  - the school website.

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Diocesan Education Service

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