



St Oswald's Catholic Academy Trust Complaints policy

Ratified By BOD:
Review Date: Summer 2017

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, all staff will be made aware of the complaints procedure so that they know what to do when they receive a complaint.

Stage One: Complaint Heard by Staff Member

The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complaints co-ordinator will consider referring the complainant to another staff member. Where the complaint concerns the head teacher, 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 Head teacher may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

Where the first approach is made to an individual governor, that governor will refer the complainant to the Head teacher who will advise them about the procedure. Governors will not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

Stage Two: Complaint Heard by Head teacher

The head teacher's influence will already have shaped the way complaints are handled in the school. 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 head 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 Governing Body's Complaints Appeal Panel

If the complainant is not satisfied that the complaint has been addressed at stages 1 or 2, the complainant needs to write to the Chair of Governors giving details of the complaint. The Chair will convene a meeting of Governing Body Complaints Panel through the Clerk to the Panel. The governors' appeal hearing is the last school-based stage of the complaints process, and is not convened to merely rubber-stamp previous decisions.

Individual complaints will not be heard by the whole Governing Body at any stage, as this could compromise the impartiality of a panel set up for a disciplinary hearing against a member of staff following a serious complaint. The Governing Body Complaints Panel will consist of 3 governors and will have delegated powers to hear complaints. Its membership will be specified in the Governing Body's Committee Structure and may provide for a number

of governors to be drawn from a pool of governors, which would normally preclude anyone who works at the school. Its terms of reference will include:

- drafting procedures for approval by the full Governing Body;
- hearing individual appeals;
- making recommendations on policy as a result of complaints.

The panel will choose its own chair.

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.

There are several points which any governor sitting on a complaints panel needs to remember:

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, the Governing Body will try and 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 will be held in private, will always be to resolve the complaint and achieve reconciliation between the school 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 that 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 needed to ensure the setting is informal and not adversarial.

d. Extra care needs to be 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 needs to be aware of the complaints

procedure.

Roles and Responsibilities

The Role of the Clerk

The Governing Body will ensure that a Clerk is appointed to the Complaints Panel. The Clerk to the Complaints Panel will be the contact point for the complainant and will:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties;
- collate any written material and send it to the parties in advance of the hearing;
- if appropriate, 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

The Chair of Governors will:

- 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 has a key role, ensuring 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;
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- 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 would be useful to give all parties the opportunity to 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, within 3 school days. The letter will explain that, if not satisfied with the outcome of the school complaints procedure, the complainant may refer their complaint to the Secretary of State for Education and Skills.

Further Action

If the complainant is not satisfied their complaint can be referred to the Local Authority, and then to the Secretary of State for Education, if the complainant believes that the Governing Body has acted unreasonably.

Annex 1

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 headteacher may question both the complainant and the witnesses after each has spoken.

The headteacher is then invited to explain the school's actions and be followed by the school's witnesses.

The complainant may question both the headteacher 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.

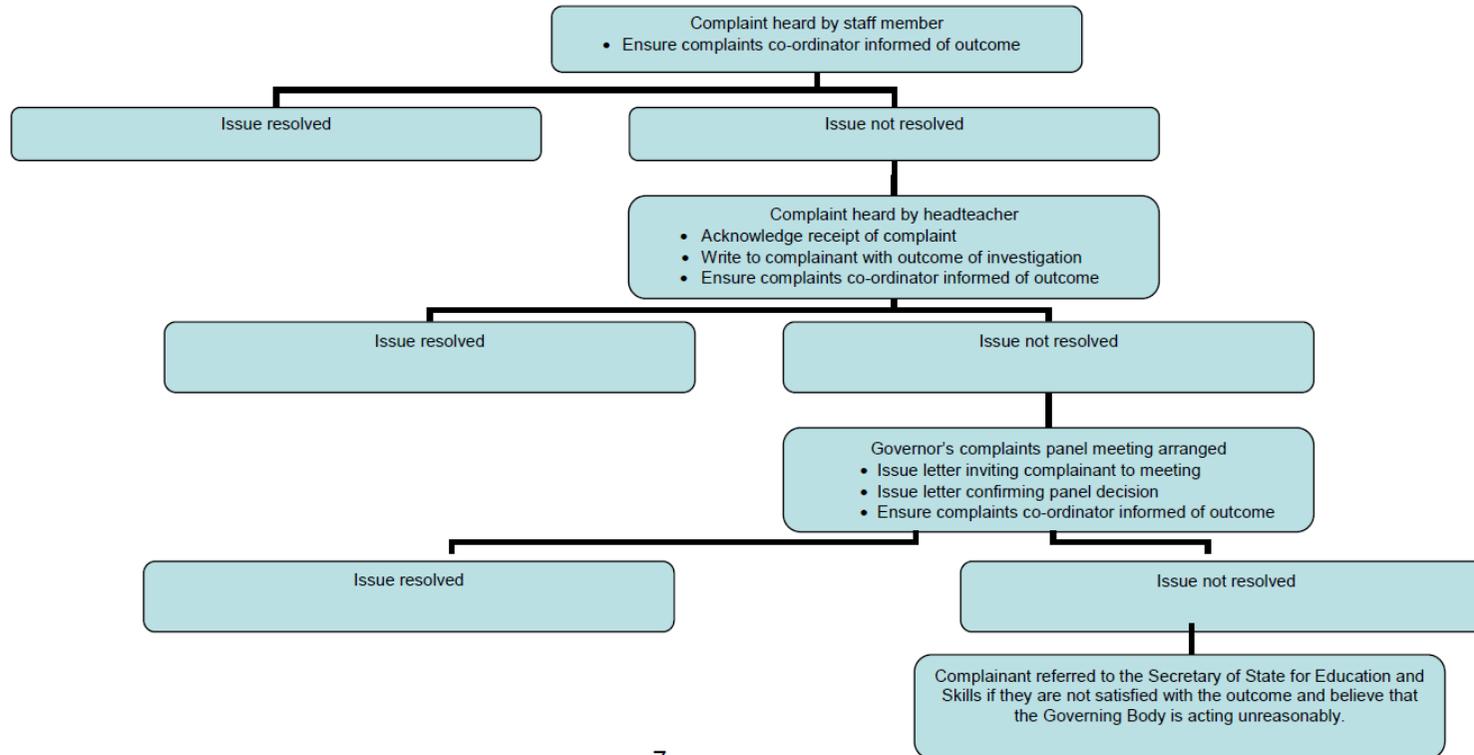
The headteacher is then invited to sum up the school's actions and response to the complaint.

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.

Flowchart

Summary of Process for Dealing with Complaints



**Annex 3
COMPLAINT FORM
St Oswald's Catholic Academy Trust**

Please complete and return to the Chair of Governors who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time 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: