

**ARCHDIOCESE OF BIRMINGHAM
DIOCESAN SCHOOLS COMMISSION**

MODEL COMPLAINTS PROCEDURE

1. RATIONALE

- 1.1 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".
- 1.2 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.
- 1.3 The main purposes of the complaints procedure are:
- to resolve problems;
 - to give parents a means to raise issues of concern and have them addressed.

2. GENERAL PRINCIPLES

2.1 Initial concerns

- 2.1.1 The underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures.
- 2.1.2 In most cases a staff member will receive the first approach, as an expression of concern and it will be resolved.

2.2 Formal procedures

- 2.2.1 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. 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.

2.2.2 Formal procedures only 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.

2.2.3 The member of staff with responsibility for the operation and management of the school complaints procedure is known as the school's 'complaints co-ordinator'.

3. THE FORMAL COMPLAINTS PROCEDURE

3.1 Stage One - complaint heard by complaints co-ordinator

3.1.1 The complaints co-ordinator will seek to resolve the complaint by meeting with the complainant and investigating the complaint. This will be done with reference to the 'Guidelines for the Implementation of the Model Complaints Procedure'.

3.1.2 Where the complaint concerns the headteacher, the complaints co-ordinator can refer the complaint to the chair of governors. The chair (or nominee) will then conduct Stage One.

3.2 Stage Two - complaint heard by governing body's complaints appeal panel

3.2.1 The complainant needs to write to the chair of governors giving details of the complaint. A complaints form is available from the school for this purpose.

3.2.2 The chair will convene a governing body complaints appeal panel.

3.2.3 The governors' appeal hearing is the last school-based stage of the complaints procedure, and is not convened to merely rubber-stamp previous decisions.

3.2.4 Individual complaints will not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up under any other procedure.

3.2.5 The panel may consist of between three and five members of the governing body, 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 Remit of the Complaints Appeal Panel

3.3.1 The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaints 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.

- 3.3.2 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.
- 3.3.3 The aim of the hearing, which will be held in private, will be to resolve the complaint, where appropriate, and achieve reconciliation between school and the complainant. However, it is recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour.
- 3.3.4 The panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. The panel chair will ensure that the proceedings are as welcome as possible. Care will be taken to ensure that the layout of the room is informal and not adversarial in tone.
- 3.3.5 Governors sitting on the panel will have been informed about the school's complaints procedure and Diocesan Schools Commission guidance regarding its implementation.

3.4 Roles and responsibilities

3.4.1 The school will ensure the panel meeting will be clerked. The role of the **clerk** will be to:

- set the date (within 20 working days), time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- collate all written material and send it to the parties 10 working days in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- record the proceedings;
- notify all the parties of the panel's decision.

3.4.2 The role of the **chair of the governing body** will be to ensure that:

- The correct procedure has been followed;
- If a hearing is appropriate, notify the clerk to arrange the panel.

3.4.3 The role of the **chair of the panel** will be to ensure:

- The remit of the panel is explained to the parties and each party has the opportunity to put their case without undue interruption;
- the issues are addressed;
- parents and others who may not be used to speaking at such a hearing are put at their 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 has been supplied by all parties;
- if a related issue arises at the hearing it would be useful to give all parties the opportunity to adjourn to consider the related issue and then comment on it;
- new issues raised in the hearing should be dealt with separately from this panel meeting.

3.5 Checklist for panel hearing

3.5.1 The panel will take account of the following points:

- the hearing is as informal as possible;
- 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 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 (5 working days).

3.6 Notification of the panel's decision

3.6.1 The chair of the panel will ensure that the complainant is notified of the panel's decision, in writing, with reasons clearly defined in plain English, within 5 working days of the meeting.

3.6.2 If any clarification concerning the letter is required the complainant may seek further advice from the chair of the panel.

3.6.3 In case the complainant is not satisfied that the complaints procedures were conducted properly and fairly, the letter will explain there is a further right to request an investigation by applying to the Director of Schools at the Diocesan Schools Commission, and provide the address.

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Diocesan Schools Commission
Reviewed by JNCC