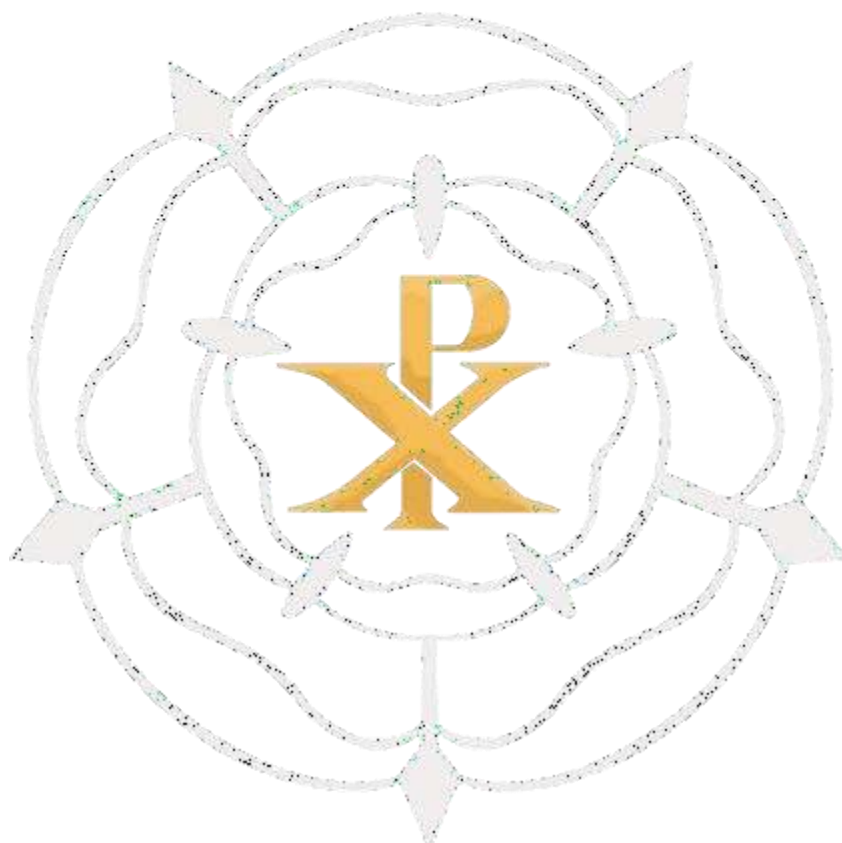
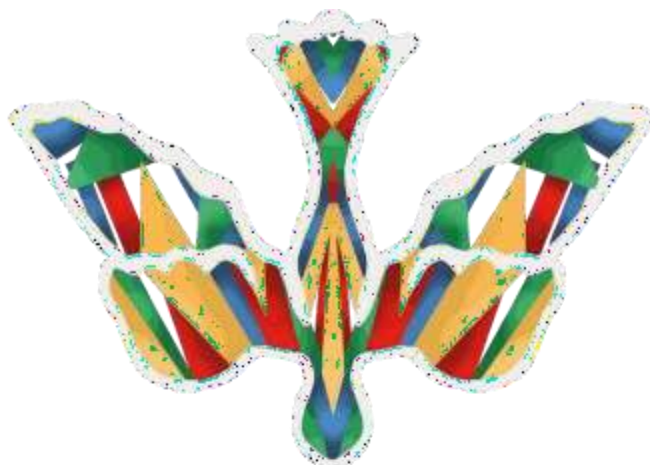

Complaints Policy

The McAuley Catholic High School



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COMPLAINTS POLICY

Introduction

No-one likes criticism but an open organisation will always be willing to listen to concerns and anxieties and be ready to learn from them if appropriate. In a school, most concerns are likely to be expressed by parents of its pupils, though some may come from pupils themselves, parishioners, or from other interested parties such as neighbours or users of the premises.

In a Catholic school, parental concerns are of particular importance. As the first educators of their children, parents have a duty to take an active interest in their school. "Since parents have given children their life, they are bound by the most serious obligation to educate their offspring." (Gravissimum Educationis). To this end, "there must be the closest co-operation between parents and the teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents and willingly listen to them." (Can.796)

In a Catholic School, therefore, dealing with parental concerns will be an intrinsic part of the school's ethos and mission. In addition, terms of reference for governing bodies now include the legal obligation to "be open about the decisions they make and the actions they take and in particular to explain their decisions and actions to interested parties". (The Education (School Government) (Terms of Reference) (England) Regulations 2000).

Thus, a climate of openness and partnership is essential. Nearly all concerns or questions can be resolved very quickly and informally if parents feel able to voice them as soon as they arise. Obviously, the more information the school gives to the parents the less scope there is for misunderstanding. As part of this information, parents should be told that feedback is always welcome and that, therefore, they are warmly encouraged to voice any concerns straightaway, preferably to the person concerned. In most cases, discussion, explanation, further information – or an apology if appropriate – will resolve the issue. Every effort should be made to allay concerns at this level and with the least possible formality. The ideal is that no concern should ever become a formal complaint.

Occasionally, however, a concern will be too serious to be handled in this way, perhaps needing greater investigation; or the person concerned may not feel that the answers given so far have been acceptable or adequate. In such circumstances, the concern will become a complaint and the formal procedure should be rigorously followed. Even in these cases, every effort should be made to resolve the issue at the lowest possible level of the procedure. It should be very rare indeed that a complaint needs to be decided at the Appeal Stage by a Governors' Committee.

It is very important that all governors and members of staff be familiar with the school complaints procedure and that they know who the complaints coordinator for the school is so that they can refer complaints to that person when approached by someone with a complaint.

In all circumstances the published procedure must be followed closely. Should difficulties arise, advice can be sought from the Diocesan Education Service.

Special Educational Needs and Disabilities; Statutory assessments of special educational needs

Concerns about statutory assessments of special educational needs should be raised directly with local authorities.

How to complain or appeal if you have an issue with the way the school is supporting your child's special needs or their EHCP.

There is a specific procedure for general complaints about schools that are not to do with special educational needs:

- If you are unhappy with something regarding your child's educational provision and your child has special educational needs or disabilities, the first thing to do is to speak to the SENCO or class teacher if appropriate.
- You can ask a family member, friend or advocate to accompany you. The SENCO is responsible for coordinating provision for children with SEND.
- If you are still unhappy, you should contact the Deputy Headteacher / Complaints officer. If you cannot resolve a problem informally, ask for a copy of this complaint's procedure.
- If things do go wrong and can't be solved informally, there are different options. Which route you take depends on what your complaint is about. You may seek further advice and guidance from the Local Authority via <https://www.doncaster.gov.uk/services/schools/local-offer-send>

Complaints about discrimination in education

The Equality Act 2010 says education providers such as schools, colleges and universities mustn't discriminate against their pupils and students. If you feel your child has been discriminated against by school, you may be able to take action against us under the Act.

For example, you can make a complaint, or you can make a discrimination claim in court.

Before you take action about discrimination

Before you take action about discrimination, you need to:

- Be reasonably sure that unlawful discrimination has taken place, according to the Equality Act 2010
- Check the time limits for making your claim if you want to take legal action.

Think about what you want to achieve.

When deciding what action to take about discrimination, you will need to think about what you're trying to achieve. You will also need to think about how quickly you need to get a result.

You may want:

- The discrimination to stop.
- An apology
- The school to look again at a decision they've already taken.
- A change in our policy
- Staff training in discrimination issues.

- Money for financial losses or compensation - for example, for stress or injury to feelings

It's often best to try to resolve your problem informally first. It may stop the problem getting worse and avoid the expense of taking legal action.

You should, however, be aware that there are strict time limits for taking legal action against education providers - usually within 6 months of when the act of discrimination happened. It's therefore best to act as early as possible.

Who should you take action against?

If you feel your child has been discriminated against by the school, you need to take action against their responsible body. The responsible body is usually the person or body responsible for the management of the education provider.

The responsible body of a school is.

- The school's leadership team in the first instance, via the Complaints officer
- If not resolved, the governing body.

Complaining about discrimination

If you want to make a complaint about discrimination, you should ask for a copy of the school's complaints procedure.

You may be able to resolve your problem informally first - for example, by talking to the child's teacher or head teacher. If your problem isn't resolved, you can make a formal complaint by following the school's complaints procedure. This generally involves complaining in writing to the head teacher and then to the governing body if you are still not satisfied. If your problem isn't resolved by complaining to the school, there are other organizations you can complain to depending on the type of school. This includes the local authority if it's a maintained school or the Department for Education for all state funded schools.

THE FORMAL PROCEDURE

Principles

At every stage of the formal procedure, the handling of the complaint will be:

- non-adversarial
- swift (using agreed time limits)
- fair (using independent investigation where necessary)
- confidential.

Throughout the process, the school will be willing:

- To listen
- To learn
- To admit mistakes
- To apologise if appropriate
- To address any issues raised.

- To change school practice if appropriate
- In using this procedure:
- Staff are asked to be aware that complainants may feel intimidated by the school as an institution and unsure whether they will be treated fairly
- Complainants are asked to be aware that those complained about, especially individual members of staff, may feel very vulnerable during this process.

Throughout the procedure, therefore, the aim of all parties should be not only to resolve the complaint but also to develop and sustain good relationships between all members of the school community. However formal or serious the complaint, or however dissatisfied the complainant, the aim will always be reconciliation between all parties and a renewed commitment to work together amicably. The gospel values of justice and forgiveness should always underpin the entire process.

This Complaints Procedure does not apply to:

- Members of staff (who should use their own Grievance Procedure)
- Procedures with their own appeal structure e.g., admissions and exclusions
- Concerns about the delivery of the National Curriculum.

It is also totally separate from any Disciplinary or Capability Procedures. If the investigation of any complaint were to lead to concerns on the part of the Headteacher or governors about the capability or conduct of a member of staff, these would not be discussed or dealt with within this procedure.

Outline of the Procedure

There are three stages to the formal procedure:

Stage 1 Complaint heard by a member of staff (not the subject of the complaint)

Schools are recommended to designate a member of staff as the Complaints Co-Ordinator, to whom all complaints will be addressed in the first instance.

The name of the Complaints Co-Ordinator is Miss K Ratcliffe (Deputy Headteacher)
kratcliffe@mcauley.org.uk

The complaints coordinator will, obviously, need to be held in high professional esteem by staff, governors and parents. Status in the school hierarchy will be less important than personal qualities and interpersonal skills. Sensitivity, assertiveness, efficiency and articulateness are likely to be particularly required.

The complaints coordinator will either hear a complaint personally or, where appropriate, refer the matter to another member of staff. The coordinator will also keep records of each complaint and of action taken in regard to it (preferably using an agreed proforma e.g. as in Appendix A) so that the senior managers and governors of the school can be kept informed of all issues that arise and as a result can change or develop school practices where necessary or appropriate. Thus complaints about the school can be used positively as a self-evaluation tool.

Stage 2 Complaint heard by the Headteacher.

Stage 3 Complaint heard by Governing Body's Complaints Appeal Panel.

If unsatisfied at Stage 1 or 2, the complainant can take the complaint to the next stage.

THE FORMAL COMPLAINTS PROCEDURE IN DETAIL

Stage 1 – Complaint Heard by Staff Member

NB The aim is to resolve the complaint at this level.

1.1 The complaint should be addressed in the first instance to the designated member of staff (the complaints coordinator) . This should be done in writing, via email. kratcliffe@mcauley.org.uk

1.2 The complaints coordinator will log the complaint (See Appendix A for a sample record form) and either investigate the complaint personally or refer it to an appropriate member of staff. In making this decision, the coordinator will be sensitive to any indication that the complainant would have difficulty discussing the complaint with a particular member of staff.

1.3 If the complaint concerns the Headteacher, the coordinator should refer it to the chair of governors and, in courtesy, inform the Headteacher that this has been done. If the complaint concerns the chair of governors, the coordinator should refer it to the vice-chair.

1.4 Whoever investigates the complaint will:

- 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, clearing up any areas of misunderstanding, identifying areas of agreement and discussing what might be possible;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish (- this should include adults and pupils as appropriate, whether main players or witnesses-);
- conduct each interview with an open mind and be prepared to persist in the questioning;
- keep notes of each interview.

1.5 Timescales.

Within ten school days of receiving the complaint, the investigator will complete the investigation and contact the complainant to arrange a meeting. (See 1.6). At any point in the process, the complaints coordinator may decide or agree to commission a further investigation, whether by a member of staff or an independent person. If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.

1.6 When the investigation is complete, the member of staff investigating will meet the complainant to try to resolve the complaint if necessary. Every effort should be made to try to resolve the complaint at this meeting. Any of the following may be appropriate at this point:

- an acknowledgement that the complaint is valid in whole or in part;
- an apology;
- an explanation;
- a clarification of misunderstandings;
- 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 that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint. Some of the above may require that the investigator seek authority from the head teacher.
- State that there is no evidence or no grounds to uphold the Complaint

Naturally, nothing should be offered or promised that cannot be justified or fulfilled.

1.7 If the complaint cannot be resolved, the complainant may refer it to Stage 2.

Stage 2 – Complaint Heard by Headteacher

2.1 Where a complaint has not been resolved at Stage 1, it will be referred to the Headteacher unless the original complaint concerned either the Headteacher or the chair of governors in which case the complainant may refer it straight to Stage 3.

2.2 The Headteacher will either investigate the complaint personally or refer it to another senior member of staff (who has not so far been involved) or arrange for an independent investigation if appropriate. At this point it is possible that the complaint will have escalated to include a complaint concerning the manner in which the original complaint has been handled. Both parts of the complaint would in this case need to be investigated.

2.3 In conducting the investigation, the investigator will operate in accordance with section 1.4. 2.4

2.4 Timescales:

Within ten school days of receiving the complaint, the investigator will report back to the Headteacher. Within a further three school days, the Headteacher will contact the complainant and arrange a meeting. (See 2.5) At any point in the process, the Headteacher may decide or agree to commission a further investigation, whether by another senior member of staff or a governor or an independent person (e.g. from the diocese or the Local Authority or another appropriate agency depending on the nature of the complaint). If this occurs, the timescale may be extended and the complainant must be informed of the extension and the reason for it.

2.5 When the investigation is complete, the Headteacher will consider the evidence and, whether or not he or she investigated the matter personally, will meet the complainant (with or without the person who conducted the investigation if different) to try to resolve the complaint. Every effort should be made to resolve the complaint at this meeting. Any of the suggestions in section 1.6 may be appropriate at this point.

If the complaint cannot be resolved, the complainant may refer it to Stage 3.

Stage 3 Complaint Heard by Governing Body's Complaints Appeal Panel

3.1 A Complaints Appeal Panel, consisting of three governors, should be appointed annually by the governing body. This panel will have delegated power to hear and finally determine complaints. Ideally, the make-up of the panel should reflect the make-up of the governing body and/or the profile of the pupils in the school. Any governor who has prior involvement in or detailed knowledge of a particular complaint or its investigation may not sit on the panel hearing that complaint. It would be advisable, therefore, for the governing body to agree alternative panel members in case of such a circumstance. The complaint must not be discussed at a meeting of the full governing body as this could compromise the impartiality of the complaints panel and also any subsequent disciplinary hearing which may follow a serious complaint against a member of staff.

3.2 To trigger Stage 3, the complainant will have been dissatisfied with the school's approach to the complaint in the first two stages and must now put the complaint in writing to the chair of governors. The chair will check what has happened so far and, if the procedure has been properly followed and it is appropriate to move to Stage 3, he or she, or a nominated other governor, will - via the clerk - convene a Governing Body's Complaints Appeal Panel. If the original complaint concerned the chair of governors and

was referred to the vice-chair at Stage 1, the vice-chair will tell the complainant the name of the nominated governor for a referral to Stage 3. (see section 3.1)

3.3 This is the final stage of the procedure. There is no further redress or appeal. It is, therefore, vital that, in the spirit of the procedure, the Appeal Panel should:

be prepared to hear complaints without preconceptions;

examine and discuss the matter fully so that they ensure that they have every piece of information or evidence that they require; and be prepared to commission, organise or conduct further investigations if necessary;

give the complainant the opportunity to express their dissatisfaction and worries and to suggest what might put things right;

be prepared to take whatever action is required.

3.4 Timescales.

The date of the Appeal Panel Meeting should be agreed by all parties within five school days of the receipt of the written referral of the complaint. The meeting itself should be held within fifteen school days of the receipt of the referral. If the complainant or the Headteacher wishes to submit information in writing to the panel, they should send it to the clerk to the governors at least five school days before the meeting. As far as possible, the meeting should not be delayed if the referral comes at the end of a term, especially at the end of the summer term. Since the aim of the procedure is to resolve the issue and effect reconciliation if necessary, it will be best if the matter can come to the panel as quickly as possible, especially as the complainant will already have been engaged over a protracted period in attempts to put things right.

The Meeting of the Governing Body's Complaints Appeal Panel

Before the meeting:

3.5 Members of the panel should consider carefully any documentation from the Headteacher or the complainant but should not discuss the matter with anyone, including the other members of the panel, before the meeting. This is in the interest of fairness and natural justice. The appeal panel must operate scrupulously as an independent arbiter of the complaint.

Conduct of the meeting – to be borne in mind:

- One of the panel must act as chair and there should be a clerk for the meeting.
- A member of the Diocesan Education Service may be invited to advise and support the panel.
- The meeting room should be private and as informally laid out as possible in order to encourage a spirit of partnership. It is very important that there should be nothing adversarial about the proceedings. The tone of the whole meeting will be set by the atmosphere of the room in which it is set and by the way people are greeted. Panel members should be sensitive to the vulnerabilities and sensitivities of all concerned. Parents may be emotional when talking about their child; the Headteacher and others involved in the earlier investigations may fear that their professionalism could be under attack. Everyone needs to remember that the aim and purpose of the meeting is to resolve the complaint and find ways of going forward together. It is possible that the complainant may not be satisfied with the outcome if the panel does not find in their favour, but the conduct of the meeting can go a long way towards smoothing such dissatisfaction. At the very least, every complainant should feel at the end that their complaint has been taken seriously and examined impartially.
- Very special care should be taken if the complainant is a child or if there are child witnesses. Children's views should be given equal consideration to those of adults. If a parent has complained on behalf of a child, the parent should be given the opportunity to say which parts of the meeting the child needs to attend.

3.7 Role of the Clerk The clerk will:

- confirm to all parties in writing the date, time and venue of the hearing;
- receive and distribute any documentation to be read before the hearing;
- meet and welcome all parties as they arrive at the hearing; q record the proceedings;
- notify all parties of the panel's decision within 3 school days (or as decided by panel). The wording of any letters will be agreed with the chair of the panel.

3.8 Role of the Chair of the Panel The chair will ensure:

- that the procedure is properly followed (with the support of the Diocesan Education Service if requested);
- that the procedure for the hearing of the complaint is explained to all parties and that all parties have the opportunity to put their case without undue interruption;
- that the issues are addressed;
- that all parties are put at their ease, especially any who may not be accustomed to speaking at such a hearing;
- that the proceedings are kept as informal as possible and that everyone treats each other with respect and courtesy;
- that the panel operates in an open-minded and independent way; that time is given for all parties to consider any 'new' evidence.

3.9 Role of the Diocesan and Local Authority Representatives

- To advise the panel on procedure. The Diocesan and local authority officers are there in an advisory capacity only. They do not have a vote and do not participate in the panel's decision- making process.

3.9 Order of Proceedings for the Hearing of the Complaint

- Welcome, introductions and explanations of the proceedings by the chair.
- The complainant is invited to explain the complaint.
- The Headteacher may question the complainant.
- The panel may question the complainant.
- If there are any witnesses for the complainant, each one is invited into the hearing in turn and in each case the witness is invited to speak, then the Headteacher may question them, and then the panel may question them. In each case, the witness may leave after their 'evidence'.
- The Headteacher is invited to explain the school's actions.
- If there are any witnesses for the school, they are treated in exactly the same way as the witnesses for the complainant.
- When the chair is sure that all parties have asked all that they need to, the complainant is invited to sum up their complaint.
- The Headteacher is then invited to sum up the school's actions and response to the complaint.
- The chair explains that both parties will hear from the panel within three school days following the day of the hearing.
- Both parties leave together while the panel decides on the issues (advised by the diocesan Department of Schools member if there).

3.10 Options Open to the Panel The panel may:

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

3.11 After the Hearing The following actions need to be taken.

- The chair of the panel agrees with the clerk the wording of the letter to be sent to both parties. The clerk then ensures that the letter is sent out in accordance with the agreed timescale.
- The clerk writes up the notes of the meeting and gives a copy to the chair of the panel.
- The clerk ensures that any recommendation to change school procedures is put on the agenda for the next governing body meeting.

3.12 Vexatious Complaints:

- If the complainant, still dissatisfied, tries to reopen the same issue, the chair of governors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

GENERAL POINTS

Using and Publicising the Procedure

The governing body needs to adopt the procedure formally and then to review and re-adopt it annually. They also need to ensure that staff are confident in its use and that it is appropriately publicised to all interested parties, especially parents. It could be included in the school prospectus, sent out with a newsletter or placed on the school's website.

Recording and Reporting Complaints

In order to turn complaints to positive effect, it is important that records are kept so that at regular intervals (perhaps termly) both the senior managers of the school and the governing body can reflect on issues that have arisen and on the way in which they have been handled. The complaints co-ordinator is the most obvious person to hold these records and to collate them into a report for the Headteacher (if he or she is not the coordinator) and the governing body. Such a report could be a valuable self-evaluation tool. The governing body may also wish to consider reporting to parents any changes which have been made to the school's procedures as a result of parental feedback. (It need not be specified that the feedback was in the form of a complaint!)

Complaints Made Other Than in Accordance with the Procedure

Sometimes a complainant may be unfamiliar with, or unaware of, the complaints procedure; sometimes they may choose to take their complaint straight to governor to other parties, such as the diocese or the Local Authority. In every such case, the procedure must be strictly adhered to, and the complaint redirected to its proper stage in the procedure. It is, therefore, important that all members of staff and all governors are fully aware of the procedure and that it is publicly available. It is particularly important that governors know that they must not attempt to deal with complaints themselves, but should tell complainants to take their complaint to the school's complaints coordinator.

Complaints Made to the Department for Education

In unusual cases the Secretary of State may have the power to intervene if the governing body of the school has acted as no reasonable governing body would act. This is very unlikely to be the case unless the whole of the school's own complaints procedure has been exhausted.

Complaints to Ofsted

The Education and Inspections Act 2006 at s.160 provides a procedure for Ofsted to investigate parents' complaints about a school. A complaint cannot be investigated unless the school's complaints procedure has been exhausted, subject to the Chief Inspector's discretion to waive this requirement.

Complaints outside of this policy

Some complaints fall outside the school's complaints procedure, for example:

- exclusions
- staff grievances
- disciplinary procedures

Duplicate complaints

After closing a complaint at the end of the complaints procedure, the school may receive a duplicate complaint from:

- a spouse
- a partner
- a grandparent
- a child

If the complaint is about the same subject, we will inform the new complainant that the school has already considered that complaint and the local process is complete. We will advise the new complainant to contact the department for education if they are dissatisfied with the school's handling of the original complaint.

We will take care not to overlook any new aspects to the complaint that we may not have previously considered. We will try to ensure these are investigated and dealt with to the full extent of the complaints procedure.

Complaints not in scope

A complaints procedure should cover all complaints about any provision of community facilities or services that a school provides other than complaints for which there are separate (statutory) procedures, including those listed below.

Admissions to schools

For school admissions, it is the Local Authority

Complaints about admission appeals for local authority maintained schools are dealt with by the appropriate ombudsman.

School re-organisation proposals

Contact the local authority or diocese, as appropriate, in the first instance and then escalate to the department for education if necessary.

Matters likely to require a child protection investigation

Complaints about child protection matters should be handled:

- under the school's child protection and safeguarding policy
- in accordance with relevant statutory guidance

Refer to the local authority designated officer (LADO) or the multi-agency safeguarding hub (MASH).

Exclusion of children from school

Further information about raising concerns about exclusions is available in the [School discipline and exclusion](#) guidance.

Complaints about the application of the behaviour policy can be made through the school's complaints procedure.

Whistleblowing

Schools must have an internal [whistleblowing procedure](#) for all employees, including temporary staff and contractors.

The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers who do not want to raise matters direct with their employer. Concerns can be raised with DfE

Volunteers who have concerns about schools should complain through the school's complaints procedure. Depending on the substance of the complaint they may also be able to complain to:

- the Local Authority
- DfE

Staff grievances

Complaints from staff must be dealt with under the school's internal grievance procedures.

Staff conduct complaints

Complaints about staff are dealt with under the school's internal disciplinary procedures, if appropriate.

Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, you should notify complainants that the matter is being addressed.

Complaints about services provided by other providers who may use school premises or facilities

Schools should direct complainants to follow the external provider's own complaints procedure.

Complaints about the curriculum

Complaints about the content of the national curriculum should be sent to DfE

Complaints about the delivery of the curriculum are for schools to resolve through their complaints procedure. This includes:

- religious education (RE)
- sex and relationships education

The duty on local authorities to consider complaints of this nature was removed under section 45 of the Education Act 2011.

If a school's complaint procedure signposts complainants to the local authority to resolve these and other types of complaints, then governing bodies should seek confirmation from the local authority that they can include these details in their complaint procedure.

Complaints about collective worship

Complainants who are dissatisfied with the content of the daily act of collective worship (DACW) should be signposted to:

- the local authority
- the local Standing Advisory Council on Religious Education
- any other relevant body

Withdrawal from the curriculum

Parents and carers can withdraw their child from any aspect of RE, including the DACW. They do not have to explain why.

If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, schools should advise them to follow their complaints procedure.

The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.