



Cardinal Griffin Catholic College

Policy on Complaints

Reference: CGCCPOL025

Statement of Intent and purpose

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".

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.

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

General Principles

Initial Concerns

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

Formal Procedures

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.

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.

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'.

Where the first approach is made to a governor, the next step would be to refer the complainant to the appropriate person and advise them about the procedure. It would be useful if governors did 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.

The Formal Complaints Procedure

Stage One - Complaint Heard by Complaints Co-ordinator

- 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'.
- 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.
- Within 5 working days of the complaints meeting, the Complaints Co-ordinator (or other person who conducted the Stage One meeting), will send to the complainant a written 'Note of Meeting'. This will summarise the conclusions reached and inform the complainant that they may appeal the conclusions (i.e. take the complaint to Stage Two) if they wish, but if so must do so within 10 days of the Stage One meeting.

Stage Two - Complaint Heard by Governing Body's Complaints Appeal Panel

- The complainant needs to write to the Clerk of Governors giving details of the complaint.
- The Clerk will convene a governing body complaints appeal panel.



- The governors' appeal hearing is the last school-based stage of the complaints procedure, 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 any panel set up under any other procedure.
- The panel may consist of between three and five members of the governing body, but the Headteacher should not be a member of this panel, which must be independent and seen to be impartial. The panel should elect their own Chair.

Remit of the Complaints Appeal Panel

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.

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.

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.

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.

Governors sitting on the panel will have been informed about the school's complaints procedure and Diocesan Schools Commission guidance regarding its implementation.

Roles and Responsibilities

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

- Ensure all parties have copies of the procedure,



- 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,
- Collect any written evidence or other documentation for use at the hearing and names of any witnesses from all parties 10 working days in advance of the hearing,
- Collate all written material and send it to the parties 5 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, within 5 working days after the hearing.

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.

Checklist for Panel Hearing

The panel will take account of the following points:

- 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 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).

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 reasons clearly defined in plain English, within 5 working days of the meeting.

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

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. The letter must explain that such a request must be made within 10 working days of the hearing.

Dealing with Abusive, Persistent or Vexatious Complaints and Complainants

Dealing with a complaint is a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the college. This can happen either while their complaint is being investigated, or once the college has finished dealing with the complaint.

We are committed to dealing with all complaints equitably, comprehensively and in a timely manner.

We will normally limit the contact which complainants have with college staff.

We do not expect staff to tolerate unacceptable behaviour by complainants or any service user. Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- using abusive or foul language on the telephone,
- using abusive or foul language face to face,
- sending multiple emails,



- leaving multiple voicemails.

We will take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.

Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.

Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

Our overall aim is to deal with all complainants in ways which are demonstrably consistent, fair and reasonable.

This section sets out how we will decide which complainants will be treated as vexatious or unreasonably persistent, and what we will do in those circumstances. The policy is for the information of staff as well as service users.

Definitions

- We have adopted the Local Government Ombudsman's (LGO) definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints".
- We define unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the college, hinder our consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.
- Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.

Features of an unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

An unreasonably persistent and/or vexatious complainant may:

- Have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious),
- Refuse to specify the grounds of a complaint despite offers of assistance,



- Refuse to co-operate with the complaint's investigation process while still wishing their complaint to be resolved,
- Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure,
- Refuse to accept that issues are not within the power of the college to investigate, change or influence (examples could be a complaint about something that is the responsibility of another organisation),
- Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint),
- Make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced,
- Make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints,
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails),
- Harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language,
- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process,
- Introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on,
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed,
- Deny statements he or she made at an earlier stage in the complaint process,
- Electronically record meetings and conversations without the prior knowledge and consent of the other person involved,
- Adopt an excessively 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the school, but at the same time with a member of parliament, other schools, elected councillors or local authorities, the local authority's independent auditor, the standards board, the police, solicitors, Ofsted and the local government ombudsman,
- Refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given,
- Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences



make these 'new' complaints which should be put through the full complaints procedure

- Persistently approach the college through different routes about the same issue
- Persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons
- Refuse to accept documented evidence as factual
- Complain about or challenge an issue based on a historic and irreversible decision or incident
- Combine some or all of these features

Imposing Restrictions

We will ensure that the complaint is being, or has been, investigated properly according to the corporate complaints procedure.

In the first instance the Executive Business Manager will consult with the Head teacher prior to issuing a warning to the complainant. The Executive Business Manager will contact the complainant either by phone, in writing or by email to explain why this behaviour is causing concern, and ask them to change this behaviour. The Executive Business Manager will explain the actions that the school may take if the behaviour does not change.

If the disruptive behaviour continues, the Head teacher will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact us in future will be restricted. The Head teacher will make this decision and inform the complainant in writing of what procedures have been put in place and for what period.

Any restriction that is imposed on the complainant's contact with us will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- Banning the complainant from making contact by telephone except through a third party, eg solicitor/councillor/friend acting on their behalf,
- Banning the complainant from sending emails to individual and/or all college employees or governors and insisting they only correspond by letter,
- Banning the complainant from using the Cardinal Griffin Catholic College site,
- Banning the complainant from accessing any Cardinal Griffin Catholic College building except by appointment,



- Requiring contact to take place with one named member of staff only,
- Restricting telephone calls to specified days/times/duration,
- Requiring any personal contact to take place in the presence of an appropriate witness
- Letting the complainant know that we will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff should be identified who will read future correspondence)

When the decision has been taken to apply this policy to a complainant, the Headteacher will contact the complainant in writing (and/or as appropriate) to explain:

- Why we have taken the decision
- What action we are taking
- The duration of that action
- The review process of this policy, and
- The right of the complainant to contact the Local Government Ombudsman about the fact that they have been treated as a vexatious/persistent complainant

The Head teacher will enclose a copy of this policy in the letter to the complainant.

Where a complainant continues to behave in a way which is unacceptable, the Head teacher, in consultation with the Chair of Governors, may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

New Complaints from Complainants who are Treated as Abusive, Vexatious or Persistent

New complaints from people who have come under this policy will be treated on their merits. The Head teacher will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. We do not support a “blanket policy” of ignoring genuine service requests or complaints where they are founded.

The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on our contact with him or her, will be recorded and notified to those who need to know within the college.



Review

The status of a complaint judged to be unreasonably persistent or vexatious will be reviewed by the Head teacher after three months and at the end of every subsequent three months within the period during which the policy is to apply.

The complainant will be informed of the result of this review if the decision to apply this policy has been changed or extended.

Referring Unreasonably Persistent or Vexatious Complainants to the Local Government Ombudsmen

In some cases, relations between organisations and unreasonably persistent or vexatious complainants break down completely while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs the Ombudsman may be prepared to consider a complaint before the procedure has run its course.

Record Keeping

Adequate records will be retained by the appropriate Executive Business Manager of the details of the case and the action that has been taken. The Head teacher will retain a record of:

- The name and address of each service user who is treated as abusive, vexatious or persistent,
- When the restriction came into force and ends,
- What the restrictions are,
- When the service user and departments were advised.

The Governing Body will be provided with an annual report giving information about service users who have been treated as vexatious/persistent as per this policy.