

# POLICY

## POLICY TYPE

|                                                  |   |
|--------------------------------------------------|---|
| MAT Policy to adopted in full across all schools | ✓ |
| LGC Policy to be reviewed and approved locally   |   |



*"called by Christ  
to be agents of change  
and apostles of hope"*

|                |                       |
|----------------|-----------------------|
| Approval Date: | 2023/24 – SUMMER TERM |
| Review Date:   | 2025/26 – AUTUMN TERM |

**ST OSCAR ROMERO CATHOLIC ACADEMY TRUST**

## COMPLAINTS POLICY

## 1. Introduction

The Trust is committed to providing the very best education for our young people and want our students to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents, carers and the wider community. We are aware that there may be occasions where parents/carers and others have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

All schools must have a complaints procedure to handle complaints from parents/carers of students. This must meet the standards set out in the Education (Independent School Standards (England) Regulations 2014. The following are covered by separate legislation and formal procedures and are covered by other policies and guidance. These include:

- Admissions
- Exclusions
- Special Educational Needs
- Staff Grievances / Discipline
- Child Protection
- Whistleblowing

It is expected that all complaints will be referred to the school/Trust in the first instance and that all stages will be pursued before considering a referral to the Education and Skills Funding Agency (ESFA) if a complainant feels that their complaint has not been dealt with appropriately or remains unresolved.

Complainants are encouraged to follow through each stage of the procedure, as appropriate, in order to resolve their concerns.

## 2. Aims and Principles of the policy

This policy aims to:

- Encourage the resolution of concerns and complaints by informal means wherever possible
- Ensure that concerns are dealt with quickly, fully and fairly within defined time limits wherever possible
- Provide effective and appropriate responses to concerns and complaints
- Maintain good relationships between the Trust/school and all those involved

Key principles of this policy are:

- **Accessibility** – the policy will be available on the school’s website and also can be requested from the school office. It will be in a useable format, free from jargon and will assume no specialist knowledge
- **Good communication** – the school will be happy to explain the process for dealing with concerns and complaints
- **Timescales** – there will be clear timescales which the Trust/school will make every effort to adhere to. Where timescales have to change, we will ensure complainants are advised of the delay and reasons for this and are given clear revised timescales.
- **Clarity** – over roles and responsibilities of those involved in the process and clarity around the desired outcome for the complainant
- **Confidentiality**- appropriate confidentiality will be maintained by all those involved (including and staff, Governors and the Trust Board).

The Local Governing Committee and Trust Board will appropriately monitor the nature of the

complaints received over each academic year to inform practice and potential improvements to procedures and policies within the school.

### **3. Upholding or not upholding complaints**

At each stage of the complaints procedure the conclusion will be either:

- That the complaint is upheld (in part or in full) and where appropriate, some form of action is taken or recommendation made **OR**
- That the complaint is not upheld and reason(s) for this, where appropriate, are clearly given

The complainant may choose to take no further action or take their complaint to the next stage.

### **4. Complaints Procedure**

**Also see Appendix A**

#### **Stage 1 - Informal complaint**

A 'concern' may be treated as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. A complaint may be generally recognised as 'an expression or statement of dissatisfaction however made, about actions taken or a lack of action'.

Please start by telling the school's Subject/Class Teacher/Form Tutor/Head of Year/Curriculum Area or Head of Department about the concern. This is usually the best and quickest way of resolving issues. In some cases, the Subject/Class Teacher/Form Tutor/Head of Year/Curriculum Area or Head of Department may feel it more appropriate to refer you to a more senior or experienced member of staff who will try to resolve the concern informally.

#### **Stage 2 – Formal Written Complaint**

If you feel dissatisfied with the outcome of discussions with the Subject/Class Teacher/Form Tutor/Head of Year/Curriculum Area or Head of Department you should then contact the school's Headteacher either by arranging an appointment to see them or by putting your complaint in writing. You may use the attached Form B.

If you are not using the form, your letter should set out clearly the concern and why you feel the issue has not been resolved through informal channels. It is also helpful if you can set out what resolution you are seeking.

- The Headteacher will consider the complaint and in doing so will:
  - Establish what has happened so far, and who has been involved;
  - Meet or contact you if they need further information;
  - Clarify what you feel would put things right if this has not been set out in your letter or included on your form;
  - Interview those involved in the matter and those complained of, allowing them to be accompanied if they wish;
  - Conduct any interviews with an open mind;
  - Keep notes of any interview for the record
- The Headteacher will keep in mind ways in which the complaint can be resolved. It may 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 (please note this is not an admission of negligence)
- 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 policies and practice in light of the complaint

It may also be the case that the complaint may not have any substance and is therefore considered to be unfounded or unsubstantiated.

The Headteacher will discuss the outcome of their consideration of your complaint with you and should send a detailed response within a maximum of 20 school days. Where this proves to be unrealistic, you will be informed in writing and given an estimate of how long it will take to provide a detailed response. Where you are unhappy about the decision the Headteacher has made about your complaint, this does not become a complaint about the Headteacher. However, if your complaint is about the conduct of the Headteacher and you feel that it has not been resolved at the informal stage, then you should move directly to **Stage 3** of the procedure and write to the Chair of the Local Governing Committee.

### **Stage 3 – Formal Complaint to the Chair of the Local Governing Committee**

If you are not satisfied with the response of the Headteacher, or you have a concern or complaint that is specifically about the Headteacher which has not been resolved informally, then you must write a formal letter of complaint to the Chair of the Local Governing Committee. The school will provide you with the Chair of the Local Governing Committee's name, or you can find it on the school's website. You should either complete the complaints form (Appendix B) or write to the Chair of the Local Governing Committee at the school address, marking any envelope "urgent, private and confidential".

- The Chair of the Local Governing Committee will acknowledge receipt of the letter within 5 school days. The acknowledgement will inform the complainant that the complaint will be investigated by the Chair of the Local Governing Committee or nominated Governor and they will write to the complainant with the outcome of their review within 20 school days.
- For complaints specifically about the Headteacher, the Chair of the Local Governing Committee will arrange for the complaint to be investigated, either by herself/himself, a nominated Governor or by an appropriate independent investigator. They will write to the complainant with the outcome of their review within 20 school days.

### **Stage 4 – Trust Review Panel**

If you are not satisfied with the response of the Chair of the Local Governing Committee, within 10 school days of receiving the response, you are able to request that provision is made for a hearing before a panel appointed by or on behalf of the Trust, consisting of at least three people who were not directly involved in the matters detailed in the complaint.

This is referred to as the Trust Review Panel.

You must write a formal letter to the Clerk to the Trust Board at the Trust, or complete the complaints form (B), marking any envelope "urgent, private and confidential".

- The Clerk to the Trust Board will acknowledge receipt of the letter within 5 school days. The acknowledgement will inform the complainant that
  - the Trust Review Panel will hear the complaint within 20 school days of receiving the complaint;
  - the complainant has a right to attend;
  - the complainant may bring a friend or someone else for support;
  - the complainant has the right to submit any further documentation relevant to the complaint. This documentation must be submitted within 5 school days of receiving the acknowledgement. Information received after that time period will not be included as part of the complaint.
- A separate invite letter will be sent giving at least 5 school days' notice of the hearing date.
- A meeting of the Trust Review Panel will be convened.

At least three of the Trust Board or Governors included on the panel will have no prior direct involvement in the issues complained about. The panel will include at least one person who is independent of the direct management and running of the school. The complainant will be contacted with details of the arrangements.

The hearing is not a public hearing and will be held in private. No recordings are permitted of the hearing.

#### **Panel Procedure**

The hearing will be formally minuted by the Clerk who will act as an advisor to the panel. The panel may appoint additional advisors as necessary. A panel member will be appointed as Chair. The complainant may be accompanied by someone of their choosing and should notify the clerk/panel of the name of the individual at least 2 school days in advance of the panel hearing.

The panel chair will ensure that the proceedings are informal. The layout of the room will set the tone and care is needed to ensure the setting is not adversarial. Consideration of the complainant's circumstances will be made and at the discretion of the panel Chair, the meeting may be held virtually.

| <b>The format of the hearing is as follows:</b>                                                                                      | <b>Maximum allocated time</b> |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Introduction by the Chair who will outline the process                                                                               |                               |
| Complainant outlines their complaint                                                                                                 | 5 minutes                     |
| Panel members are given opportunity to question complainant                                                                          | 10 minutes                    |
| The Investigating Officer will explain their findings as set out in their report.                                                    | 10 minutes                    |
| Headteacher or Chair of Governors outlines school's response to complaint                                                            | 10 minutes                    |
| Complainant is given an opportunity to question the person who outlined the school's response (Headteacher or Chair of Governors)    | 10 minutes                    |
| Panel members are given an opportunity to question the person who outlined the school's response (Headteacher or Chair of Governors) | 10 minutes                    |
| Complainant has an opportunity to summarise their case                                                                               | 5 minutes                     |
| Headteacher or Chair of Governors have an opportunity to summarise their case                                                        | 5 minutes                     |

The Chair of the Panel has the discretion

- (a) to extend the maximum allocated time for any item
- (b) rule whether the matters being raised are relevant to the complaint

The panel will consider its findings and issue a letter containing its findings and recommendations

A copy of this letter will be provided to the complainant and, where relevant, the person complained about, within 20 school days.

The letter should inform complainant of their further right of appeal, and if so, to whom it would need to be addressed. This would be to the Secretary of State (SoS).

The letter will be available for inspection on the school premises by the Trust and the Headteacher.

### **Stage 5 – Escalation to the Department for Education (Secretary of State)**

If the complainant remains unsatisfied by the outcome of the Trust Review Panel, they will be advised to contact the Department for Education. <https://www.gov.uk/complain-to-dfe>.

## **5. Policy for Unreasonable Complainants**

Our Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening. The Trust defines unreasonable complainants as *‘those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people’s complaints’*.

**Examples: A complaint may be regarded as unreasonable when the person making the complaint:**

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);

- refuses to accept the findings of the investigation into that complaint where the Trust's complaint procedure has been fully and properly implemented and completed including referral to the DfE;
- seeks an unrealistic outcome;
- Makes excessive demands on school/Trust time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

**A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:**

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with the school/Trust while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of the Local Governing Committee or Chair of the Trust Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Headteacher, Chair of the Local Governing Committee or Chair of the Trust Board will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school/Trust causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from school premises.

## **6. Barring from the School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Schools will therefore act to ensure they remain a safe place for students, staff and other members of their community.

If a parent's/carer's behaviour is a cause for concern, a school can ask him/her to leave school premises. Serious cases, the Headteacher, the Chair of the Local Governing Committee or the Chair of the Trust Board can notify them in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that the parent/carer may wish to make. The Trust

should always give the parent/carer the opportunity to formally express their views on the decision to bar in writing. The decision to bar should then be reviewed, taking into account any representations made by the parent/carer, and either confirmed or lifted. If the decision is confirmed the parent/carer should be notified in writing, explaining how long the bar will be in place.

Anyone wishing to complain about being barred can do so, by letter or email, to the Headteacher or Chair of the Local Governing Committee or Chair of the Trust Board. However, complaints about barring cannot be escalated to the DFE. Once a Trust's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits 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.

## **7. Monitoring and Review**

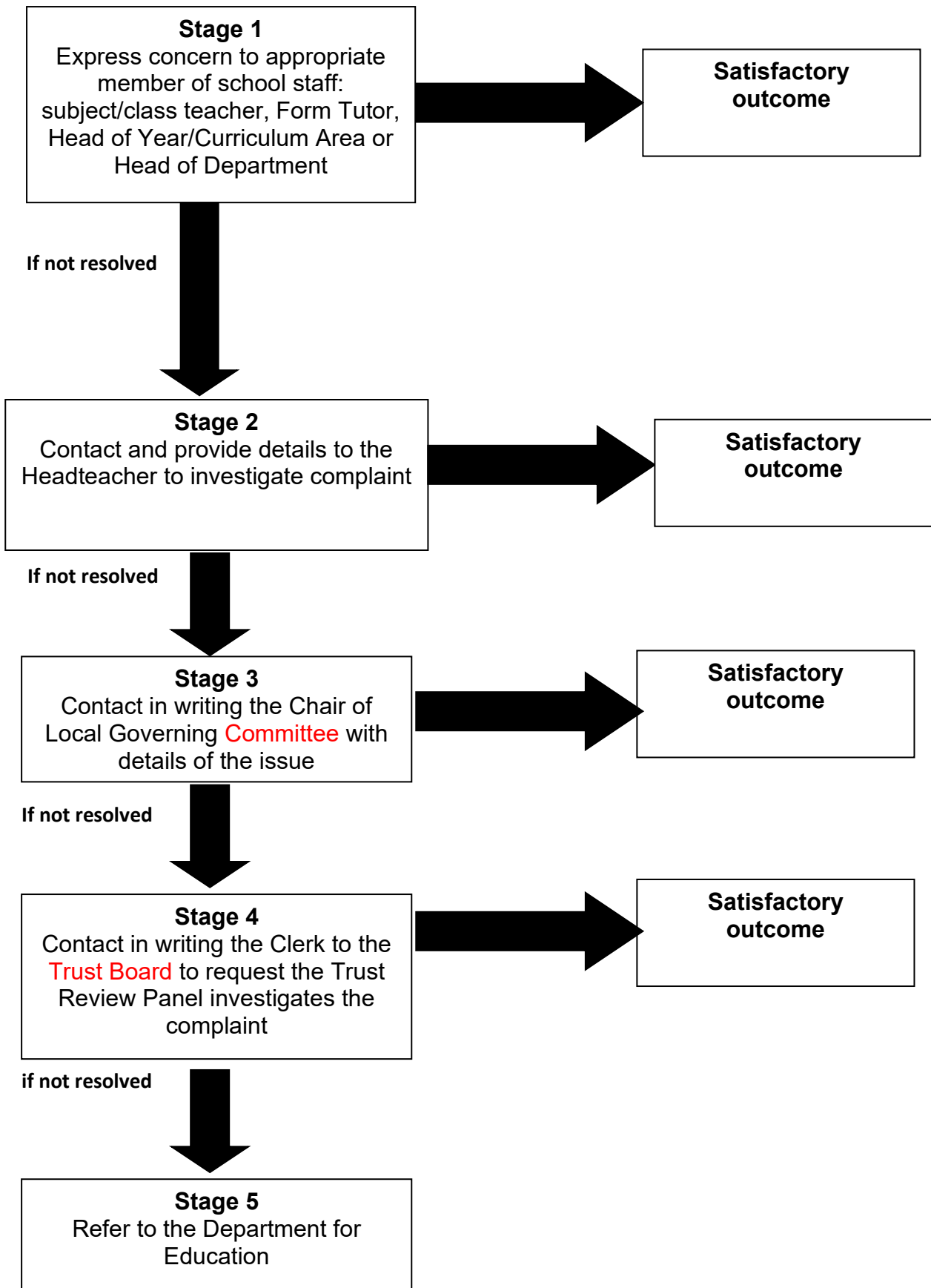
The Trust Board monitors the complaints procedure, in order to ensure that all complaints are handled properly. Formal complaints are logged to record accordingly:

- a) Whether they were resolved using a formal procedure, or proceeded to a panel hearing, and
- b) The action that was taken by the school as a result of the complaint (regardless of whether they were upheld)

Correspondence, statements and records to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.



## Appendix A – Complaints Procedure Flowchart



**Appendix B – Complaint Form**

**Please complete and return to the School Office, marked for the confidential attention of the Headteacher/Chair of the Local Governing Committee/Chair of the Trust Board, as appropriate**

**School:**

**Your name:**

**Student's name:**

**Your relationship to the Student:**

**Address:**

**Postcode:**

**Daytime 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, when did you speak to them 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 whom:**

**Complaint referred to:**

**Date:**