



St Joseph Catholic Multi Academy Trust

COMPLAINTS POLICY AND PROCEDURE

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| Presented & Approved by Trust Board | 7th January 2022 |
| Signed by Chair of Trust Board | <i>A Connor</i> |
| Name of Chair of Trust Board | Ann Connor |
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1. Policy Aim and Statement

This Complaints Policy helps underpin the mission statement of St Joseph Catholic Multi Academy Trust (hereafter referred to as the “the Trust”).

Its aim is to ensure that a concern, difficulty or complaint is managed sympathetically, efficiently and at the appropriate level and resolved as soon as possible. Doing so is good practice, fair to those concerned and helps to promote parents’ and students’ confidence in the Trust's ability to safeguard and promote welfare.

The Trust will try to resolve every concern, difficulty or complaint in a positive way with the aim of putting right a matter which may have gone wrong and, where necessary, reviewing the relevant school or Trust's systems and procedures in the light of the matters raised.

The Trust welcomes feedback and needs to know as soon as possible if there is any cause for dissatisfaction. The Trust recognises that a concern or difficulty which is not resolved quickly and fairly can soon become a cause of resentment, which can be damaging to the relationship between the relevant school and the parent and student and can also have a detrimental effect upon the Trust's ethos and culture.

Parents and students should never feel – or be made to feel – that raising a concern, difficulty or complaint will adversely affect the student’s future at the relevant school or place the student at a disadvantage in any way.

2. Application

The schools within the Trust are academies and are therefore governed by the Education (Independent School Standards) Regulations 2014 (as amended) (“the Regulations”).

This Complaints Policy has been formulated to comply with Schedule 1, Part 7 of the Regulations (as well as equality legislation and the rules of natural justice).

In the case of any variance between the procedure outlined in this Complaints Policy and the Regulations, the procedure outlined in the Regulations will apply.

Anyone can make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply this includes parents or carers of students at the schools within the Trust, parents or carers of students no longer at the schools within the Trust, and members of the public.

Such separate statutory procedures would apply to issues including:

- safeguarding and child protection
- admissions
- exclusions
- statutory assessments of special educational needs and the content of any resulting statutory plan, i.e. an Education Health Care Plan (EHCP), though concerns about the provision of Special education Needs & Disabilities (SEND support at the schools can be raised through this policy
- school reorganisation proposals
- whistleblowing

- staff grievances are dealt with under the Trust's internal grievance procedures
- staff conduct is dealt with under the Trust's internal disciplinary procedures
- services by other providers who may use school premises or facilities (who should have their own complaints policy)
- matters dealt with by regulatory bodies such as the Joint Council for Qualifications (JCQ) and the Education & Skills Funding Agency (ESFA)
- National Curriculum content.

Please refer to the appropriate policies on the Trust's website. Where a complaint is made against a member of staff, depending upon the nature and seriousness of the complaint, the matter may be dealt with under separate HR procedures which are strictly confidential, rather than under this Complaints Policy.

This Complaints Policy distinguishes between a concern or difficulty, which can usually be resolved informally, and a formal complaint which will require further investigation.

For the avoidance of doubt, in this policy references to the Trust or schools within this Trust shall apply equally, mutatis mutandis.

3. The Rules of Natural Justice

Simply put, the rules of natural justice relate to fairness. The Trust will ensure that all concerns, difficulties or complaints are dealt with in accordance with the following principles:

- All parties will be provided with all information and documentation pertinent to the matters raised;
- All parties will be given the opportunity to prepare and present their case and respond to the other parties involved;
- All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved;
- All decisions will be made on a balanced and considered assessment of the information available;
- All decisions made will be based upon logical conclusions, and not based on mere speculation or suspicion;
- All decisions made will be supported by detailed reasons which will be disclosed to all parties involved.

4. Equality Act 2010

The Trust will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to;
 - i) Remove or minimise disadvantages connected to a relevant protected characteristic; and
 - ii) Take steps to meet the different needs of those sharing a relevant protected characteristic; and
 - iii) Encourage those who share a relevant protected characteristic to participate

- in school life and activities in which participation is disproportionately low;
- Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
 - i) Tackle prejudice; and
 - ii) Promote understanding; “Relevant protected characteristics” include sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and (in the case of persons who are not students) age. In addition, the Trust will comply with its duty to make the following reasonable adjustments for persons with a disability:
- Where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to a person who is not disabled, reasonable steps must be taken to avoid that disadvantage;
- Where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps must be taken to provide the auxiliary aid. An auxiliary aid can be a piece of equipment or a service.

If a complainant or other person involved in the complaints procedure requires an interpreter, a signer or any other assistance at meetings or at a Complaint Panel Hearing, they should let the relevant school or Trust know immediately. Further details can be found in the Trust's Equality Policy.

5. Terms Used

For the purpose of this Complaints Policy, a “parent” includes the natural or adoptive parent of a student, irrespective of whether they are or ever have been married, whether they are separated or divorced, whether the student lives with them, whether the father has parental responsibility for the student or whether they have contact with the student. A “parent” will also include a non-parent who has parental responsibility for a student, an adult non-parent with whom the student lives, and an adult who is involved in the day-to-day care of the student (for example, collecting or dropping off the student from school).

Any reference to a “student” will also include a prospective or former student of the relevant school.

A person making a complaint will be referred to as a “Complainant” throughout this Complaints Policy.

6. Procedure

The Trust’s complaints procedure consists of three stages:

- Stage 1 – Concerns and difficulties, dealt with informally;
- Stage 2 – Complaints formally investigated by the Headteacher (or designate);
- Stage 3 – Complaint Panel Hearing.

7. Time Limits

The Trust aims to resolve concerns, difficulties and complaints in a timely manner.

Time limits for each stage of the procedure are set out under each individual stage.

For the purposes of this Complaints Policy, a "school day" is defined as a weekday during term time, when the relevant school to which the complaint relates is open to children, or if a complaint relates to one or more schools, or the Trust more generally, a "school day" is defined as a weekday during term time as determined by the Trust.

The definition of "school day" excludes weekends, school holidays and bank holidays.

For the avoidance of doubt, term dates are published on the individual school's website, and information about term dates is made available to parents and students periodically.

Although every effort will be made by the individual school or Trust to comply with the time limits specified under each stage of the procedure, it may not always be possible to do so, for example due to the complexity or number of matters raised, or due to the unavailability of the Complainant to attend a meeting, if offered.

In all cases, where a time limit cannot be complied with, the individual school or Trust will write to the Complainant within the specified time limit, setting out the reasons why the time limit cannot be complied with, and confirming the new time limit which will apply.

If the individual school or Trust has made reasonable attempts to accommodate complainants with dates for complaint meetings and they refuse or are unable to attend the individual school or Trust may:

- Convene meetings in their absence; and
- Reach a conclusion in the interests of drawing the complaint to a close.

8. Complaints against the Trust, a Headteacher, CEO, a Governor or a Local Governing Body

There may be occasions when it is necessary or reasonable to deviate from the published complaints procedure.

However, in these circumstances the complainant will be informed with the reasons for the deviation. For example, if the complaint is about a headteacher, CEO, a governor, an LGB or the Trust (including the Chair or Vice-Chair of the LGB or Trust), a suitably skilled Governor/Director will be appointed to complete all the actions at Stage 2 instead.

If the complaint is:

- Jointly about a Chair and Vice Chair; or
- An entire LGB; or
- The majority of an LGB

Stage 2 may be considered by an independent investigator appointed by the local governing body or Trust.

For these purposes, an independent investigator may be a trustee of the Trust or a governor or other individual affiliated with another school in the Trust.

If the complaint is about the Trust, including the Chair or Vice Chair, the entire Trust body or majority of the trustees, the Trust shall, in good faith, appoint an independent investigator not affiliated to the Trust, to carry out an investigation at Stage 2.

At the conclusion of their investigation, the Complainant will receive a formal written response from the person (or persons) who have investigated their complaint in accordance with this policy.

9. Late Complaints

Where a complaint is submitted more than six months after the incident or event (or where the complaint relates to a series of incidents or events, more than six months from the date of the latest incident or event), the relevant school or Trust reserves the right to refuse to investigate the complaint under this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the relevant school or Trust decides that a complaint which was submitted late will not be investigated, the relevant school or Trust will write to the Complainant notifying them of the decision within five school days of the complaint being received.

If the Complainant is unhappy with the decision not to investigate a complaint which was submitted late, the Complainant may write to the Clerk of the Trust asking for the decision to be reviewed.

The Clerk will inform the Chair of the LGB or the Chair of the Trust (as applicable) who will be provided with all documentation relating to the complaint, together with the letter from the relevant school or Trust to the Complainant and will review the decision not to investigate the complaint.

The Chair of the LGB or the Chair of the Trust will not investigate the complaint itself during this review.

The Chair of the LGB or the Chair of the Trust will write to the Complainant with the outcome of the review within ten school days of the date that the letter from the Complainant seeking the review was received and provide the school with a copy of the letter.

If the Chair of the LGB or the Chair of the Trust quashes the decision not to investigate the complaint, it will be referred to the relevant school or the Trust to be dealt with under this Complaints Policy in the usual way.

If the Chair of the LGB or the Chair of the Trust upholds the decision not to investigate the complaint, the Complainant may refer the concern or complaint to the Education & Skills Funding Agency using the procedure stated towards the end of this Complaints Policy.

In exceptional circumstances, the Chair of the LGB or the Chair of the Trust can delegate the responsibility for the review to the Vice-Chair of the LGB or the Vice-Chair of the Trust, as applicable.

10. Persistent or Serial Complaints

There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy, the complainant persists in making the same complaint to the Trust.

There may also be occasions when a Complainant raises unreasonable persistent complaints or raises complaints about matters which do not affect them.

There may also be occasions when a complaint is made about a matter which is clearly so trivial that it would be a poor use of the Trust's resources to deal with it under the formal stages of the procedure.

In all of these cases, the Trust reserves the right to regard the complaint as persistent or serial or trivial and to refuse to investigate it under the procedure in this Complaints Policy, if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the relevant school or Trust decides that a complaint is persistent or serial or trivial and will not be investigated, the School will write to the Complainant within five school days of the complaint being raised to notify them of the decision.

If the Complainant is unhappy with the decision not to investigate a persistent, serial or trivial complaint, they may write to the Clerk to ask for the decision to be reviewed.

The Chair of the LGB or the Chair of the Trust, as applicable, will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the relevant school or the Trust to the Complainant, and will review the decision not to investigate the complaint.

The Chair of the LGB or the Chair of the Trust will not investigate the complaint itself during this review.

The Chair of the LGB or the Chair of the Trust will write to the Complainant with the outcome of the review within ten school days of the date that the letter from the Complainant seeking the review was received.

If the Chair of the LGB or the Chair of the Trust overturns the decision not to investigate the concern or complaint, it will be referred to the relevant school to be dealt with under the procedure in this Complaints Policy in the usual way.

If the Chair of the LGB or the Chair of the Trust upholds the decision not to investigate the concern or complaint, the Complainant may refer the concern or complaint to the Education & Skills Funding Agency (ESFA) using the procedure stated towards the end of this Complaints Policy.

In exceptional circumstances, the Chair of the LGB or the Chair of the Trust can delegate the responsibility for the review to the Vice-Chair of the LGB or the Vice-Chair of the Trust, as applicable.

11. Anonymous Complaints

The Trust will not investigate anonymous complaints under the procedure in this Complaints Policy.

Anonymous complaints will be referred to the Headteacher of the relevant school, or the Chair of the Trust, who will decide what, if any, action should be taken.

12. Duplicate Complaints

There may be occasions when, despite a complaint being considered under all stages in this Complaints Policy a duplicate complaint is received from:

- a spouse

- a partner
- a grandparent
- a child

If the complaint is about the same subject, it will be confirmed either that;

- the relevant school or Trust has already considered this complaint and the local process is complete; or
- the relevant school or Trust is currently considering this complaint.

The author of the duplicate complaint will be advised that once the original complaint has completed all stages under this Complaints Policy, they can contact the Education & Skills Funding Agency (ESFA) if they are dissatisfied with the Trust's handling of the original complaint.

Any new aspects to the complaint not previously considered will be investigated and dealt with in accordance with this Complaints Procedure.

13. GDPR, Data Protection Act 2018 and Freedom of Information Act 2000

Complaints sometimes include requests for information or documentation.

Such requests will either be a “subject access request” under the General Data Protection Regulation (GDPR) / Data Protection Act 2018 (where the information requested relates to an identifiable individual) or a request under the Freedom of Information Act 2000 (where the information is general and not related to an identifiable individual).

Subject access requests under the General Data Protection Regulation (GDPR) / Data Protection Act 2018 must be responded to within one calendar month (although the Trust can extend the timescale for compliance by up to two further calendar months if a request is complex), and requests under the Freedom of Information Act 2000 must be responded to within twenty working days. However the Trust will aim to provide this information as soon as practicable (where the request is valid and the Complainant is lawfully entitled to the information or documentation) in accordance with the rules of natural justice.

Further details can be found in the Trust's Data Protection Policy and Freedom of Information Policy.

14. Resolution Principles

It is in everyone’s interest that concerns, difficulties and complaints are resolved to the satisfaction of all parties at the earliest possible stage.

The way in which the concern, difficulty or complaint is dealt with after the matter is first raised by the Complainant can be crucial in determining whether the complaint will escalate.

To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern or difficulty is raised with them.

At each stage of the complaints procedure, the investigator(s) will consider how the complaint may be resolved.

In considering how a complaint may be resolved, the investigator(s) will give due regard to the

seriousness of the complaint.

It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation;
- An apology;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- Reassurance that the Trust will undertake a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the Trust, the relevant school(s), or any other persons against whom a complaint may be made.

15. Outcome Principles

Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The investigation did not substantiate the matters raised, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A description should be given of the remedial action being taken by the relevant school(s) or Trust as a consequence of the complaint. Details of any disciplinary action or sanctions to be taken against any members of staff or students are strictly confidential and cannot be disclosed.
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Details of any disciplinary action or sanctions to be taken against any members of staff or students are strictly confidential and cannot be disclosed.

For the avoidance of doubt, requests for compensation, or similar, as a result of any complaints are unlikely to be considered and/or awarded.

16. Retention of Records

A full written record will be maintained centrally by the Clerk of all complaints made under Stage 2 to 3.

Records of complaints will be destroyed when the student to which they relate reaches the age of twenty four years or, in the case of a student with a statement of special educational needs / EHC plan, until the student reaches the age of thirty years.

17. Confidentiality

All correspondence, statements and records relating to individual complaints will be kept confidential except where access is required by parties involved in the resolution of a complaint, or as requested by the Secretary of State, a school inspector, or under another legal authority.

Meetings will be held in private.

Electronic recordings of meetings or conversations will not normally be permitted unless a Complainant's own disability or special needs require it or with the prior consent of the parties present.

18. Publication

This Complaints Policy has been ratified by the Trust, and will be reviewed every two years. It will be published on the Trust's website and provided to parents and students on request.

A copy of this Complaints Policy will be provided to a complainant when a concern, difficulty or complaint is first raised.

Stage 1: Concerns and Difficulties

1. *Concerns:*

The Trust expects that most concerns and difficulties (defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’), where a parent or student seeks intervention, reconsideration or some other action to be taken, can be resolved informally.

Examples might include dissatisfaction about an aspect of teaching or pastoral care, allocation of privileges or responsibilities, a timetable clash, an issue with a school’s systems or equipment, or a billing error.

2. *Notification:*

Concerns should initially be raised either in person, over the telephone or in writing.

The complainant will then be invited to an informal meeting with the member of staff most appropriate for dealing with that concern, as follows:

- **Education issues** – if the matter relates to the classroom, the curriculum or special educational needs, the complainant should speak to the Class Teacher, Special Education Needs & Disability Co-ordinator (SENDCo), Key Stage Co-Ordinator, Assistant or Deputy Headteacher, prior to the Headteacher
- **Pastoral care** – for concerns relating to matters outside the classroom, the complainant should speak to the Form Teacher, Key Stage Co-Ordinator, Assistant or Deputy Headteacher, as appropriate
- **Disciplinary matters** – a problem over any disciplinary action taken or a sanction imposed should be raised with the Form Teacher, who may direct the complaint to the member of staff who imposed it in the first instance, if appropriate. If not resolved, the complainant should speak to the relevant Key Stage Co-Ordinator, Assistant or Deputy Headteacher.
- **Financial and administrative matters** – a query relating to payments in line with the schools’ charging policy or other administrative matters should be raised by the Complainant with the relevant Finance Office or the School Business Manager.
- **An issue with a specific member of staff** – often, the best way to resolve an issue with a specific member of staff is that it is raised with that member of staff directly, so that they are given the opportunity to address and resolve the concern or difficulty before it becomes a formal complaint. If the complainant feels uncomfortable doing this, however, the issue should be raised with the appropriate Key Stage Co-Ordinator, Assistant or Deputy Headteacher.

Should a concern or difficulty be raised with a member of staff who feels that they are not the best person to be dealing with it, they will refer it to the Assistant or, Deputy Headteacher or other

designated member of staff as appropriate.

If a concern or difficulty is raised with a member of staff who feels that it raises serious issues which should be dealt with as a formal complaint immediately, the member of staff will tell the complainant that they should put their complaint in writing to the Clerk of the Trust under Stage 2 of this Complaints Policy (or the Chair of the Trust if the complaint is about the Clerk).

To do so, the Complainant should complete the Complaint Form contained in Appendix 1 of this Complaints Policy to submit their complaint formally.

3. Unresolved Concerns and Difficulties

There is no suggested time-scale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues would be resolved within 10 school days.

Where a concern or difficulty has not been resolved by informal means within this time limit from the date that it was raised, the complainant can submit the matters raised as a formal complaint under Stage 2 of this Complaints Policy.

4. Record of Concerns and Difficulties

The member of staff dealing with a concern or difficulty will make a written record of the issues raised, the action taken and, if applicable, the resolution reached, which will be retained in a central record.

Further information in relation to the retention of records can be found earlier on in this Complaints Policy.

Stage 2: Formal Complaints

5. Notification

A concern or difficulty raised under Stage 1 of this Complaints Policy which remains unresolved, or a serious matter which requires formal investigation from the outset, should be set out in writing by the Complainant using the Complaint Form, and sent to the Clerk of the Trust.

Should a formal written complaint be received by the Clerk or another member of staff, they will immediately inform the relevant Headteacher.

The Complainant should clearly set out the matters in dispute, the relevant dates, the full names of the persons involved and what the Complainant believes the relevant school should do to resolve the complaint.

Any documentation relied upon by the Complainant should be attached to the formal complaint.

6. Acknowledgement

The formal complaint will be acknowledged in writing within five school days of receipt. The acknowledgement letter will confirm the date that the formal complaint was received, the action to

be taken and the specified time limit.

7. Investigation

The Headteacher will be provided with the records of the Stage 1 informal procedure (if applicable) within five school days of receipt of the formal complaint, and will then proceed to investigate the complaint. This will involve obtaining and considering all documentation held by the school which is relevant to the complaint.

If further information is required from the Complainant, this may be requested from them over the telephone or in writing.

The Headteacher will speak to the persons who were involved in the matters raised by the Complainant.

Students will only be spoken to with an independent member of staff present to support them.

Where there is an issue about the conduct of a member of staff, that member of staff will be offered the option of having another member of staff present. Other members of staff will be spoken to alone.

A written record of the conversation will be made, and the student or member of staff spoken to will, where appropriate, be asked to read, sign and date the written record to confirm that it is accurate.

In the case of students, the accompanying independent member of staff will also be asked to sign and date the record of the conversation.

If the Headteacher deems it to be appropriate in relation to the matters raised, the Complainant will be offered a meeting to discuss the issues raised. This may take place at the beginning of the investigation to clarify any matters which are unclear, or after the investigation has taken place with the aim of reaching an amicable resolution.

8. Outcome

The Headteacher will write to the Complainant confirming the outcome of the investigation within twenty school days from the date that the complaint was received.

The letter will set out the individual matters raised by the Complainant, the findings made by the Headteacher during the course of the investigation, and the conclusion reached.

The letter will inform the Complainant that, if they are unsatisfied with the outcome of the Stage 2 investigation, they should write to the Clerk of the Trust within five school days of receipt of the letter requesting a Complaint Panel Hearing under Stage 3 of this Complaints Policy.

Where the complaint was received during a school holiday or within twenty days from the end of a term or half term, the Headteacher will endeavour to expedite the investigation wherever possible.

The Headteacher will make a written record of the issues raised, the action taken and, if applicable, the resolution reached, which will be retained in a central record.

Further information in relation to the retention of records can be found earlier on in this Complaints Policy.

9. Delegation

In appropriate cases, the Headteacher may delegate the complaint to a member of the Senior Leadership Team to deal with in accordance with the procedure outlined above.

The Stage 2 may also be dealt with by a member of the relevant school's Local Governing Body, or the Chair of Trustees, as appropriate, in which case references to the 'Headteacher' above, should be amended accordingly.

Stage 3: Complaint Panel Hearing

10. Notification

If the Complainant is unsatisfied with the outcome of the review under Stage 2 of this Complaints Policy, the Complainant may write to the Clerk of the Trust requesting a Complaint Panel Hearing.

The Complainant should write to the Clerk of the Trust within five school days of receiving the letter confirming the outcome following Stage 2.

The Complainant should not repeat the matters raised in their original letter or attach documentation already provided, but should clearly set out how and why the Complainant does not accept the findings made under Stages 1 and 2.

11. The Complaint Panel

The Complaint Panel will consist of three persons appointed by or on behalf of the Trust.

None of the three Complaint Panel members will have been involved in the matters which gave rise to the complaint, have been involved in dealing with the complaint previously or have any detailed prior knowledge of the complaint.

Two of the Complaint Panel members may be members of the LGB.

The third Complaint Panel member will be a Trustee independent of the management and running of the school, i.e. they will not be a member of staff or a Governor of a school in the Trust, will not be linked to the relevant school in another way, for example as a parent of a student at the school.

If the complaint relates to the Trust an independent Complaint Panel member will be appointed in addition to the Trustees and may (but need not necessarily) have appropriate skills and expertise, for example, as a governor of a school not in the Trust, or a Trustee of another Multi-Academy trust.

The Department for Education previously issued the following guidance in relation to the appointment of the independent Complaint Panel member as follows:

“Whilst we do not wish to be prescriptive about who schools should appoint as an independent person, our general view is that people who have held a position of responsibility and who are used to analysing evidence and putting forward balanced

arguments would be suitable. Examples of persons likely to be suitable are serving or retired business people, civil servants, heads or senior members of staff at other schools, people with a legal background and retired members of the police force. Schools will of course have their own views.”

12. Attendance

The Complainant may attend the Complaint Panel Hearing, and may be accompanied by another person.

For the avoidance of doubt, the Complainant’s supporter will be present for moral support only and will not play any part in the proceedings, unless invited to do so by the Chair of the Complaint Panel, entirely at their discretion and for a good reason.

The Complaint Panel Hearing is not a legal hearing and it is not appropriate for either the Complainant, the school or the Trust to be legally represented

However, there may be occasions when representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by a union representative.

Note:

Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

The relevant school or Trust will be represented at the Complaint Panel Hearing by the person who dealt with the complaint under Stage 2, which will usually be the Headteacher. This person will be referred to as the “School’s Representative” for the purposes of Stage 3.

The Complaint Panel Hearing will be minuted by the Clerk, who will usually be the Clerk to the Trust.

13. Convening the Complaint Panel Hearing

After selecting the Complaint Panel members, the Clerk will write to the Complainant within five school days acknowledging receipt of their request and informing them of the names of the Complaint Panel members.

If the Complainant objects to any of the named persons being appointed to the Complaint Panel, they should notify the Clerk within three school days of receipt of the letter.

Fair consideration will be given to any bona fide objection to a particular member of the Complaint Panel.

The Clerk will liaise with the Complaint Panel, the Complainant and the School’s Representative to agree a mutually convenient date for the Complaint Panel Hearing, which will usually take place

within twenty school days of receipt of the Complainant's request, unless there are exceptional circumstances.

The Clerk will write to the Complainant confirming the date of the Complaint Panel Hearing within five school days of the date that the acknowledgement letter was sent (or the date that the new Complaint Panel member was selected, if an objection was received and upheld).

If the Complaint Panel Hearing will not take place within twenty school days of receipt of the Complainant's request, the letter will set out the exceptional circumstances involved.

14. Documentation

The Clerk will forward a copy of all paperwork relating to the complaint (consisting of the record of the Stage 1 informal procedure (if applicable), the original letter of complaint or Complaint Form, any documentation provided by the Complainant with their complaint, all investigation records with the letter of outcome under Stage 2 with the Complainant's letter requesting a Complaint Panel Hearing and accompanying documents) to the Complainant, the School's Representative and the three Complaint Panel members.

The names of individuals will, where appropriate, be redacted and replaced with a letter relevant to that particular individual and used throughout unless they have provided their written consent for their name to be disclosed.

If the Complainant wishes the Complaint Panel to consider any additional information, they should forward this documentation to the Clerk to arrive at least five school days before the Complaint Panel Hearing, to enable the Clerk to forward it to the School's Representative and the Complaint Panel members.

Documentation may be submitted after this deadline with the permission of the Chair of the Complaint Panel acting in their sole discretion.

15. Witnesses

The Chair of the Complaint Panel will decide, at their absolute discretion, which witnesses will be permitted to attend the Complaint Panel Hearing to give a verbal statement rather than relying on a written statement or record of meeting which have been signed by the witness.

If the Complainant wishes to rely on the account of a witness, they should ask the witness to write down, sign and date their account and forward it to the Clerk at least five school days before the Complaint Panel Hearing, to enable the Clerk to forward it to the School's Representative and the Complaint Panel members.

Witnesses under the age of eighteen, other than the Complainant's own family, will only be allowed to attend the Complaint Panel Hearing at the discretion of the Chair of the Complaint Panel, and then only if they are accompanied by one of their parents or carers.

Any written accounts provided by the Complainant relating to witnesses under the age of eighteen must be signed and dated by the witness and one of the witness' parents or carers.

Members of staff of the School involved in the matters which gave rise to the complaint will usually

have provided a signed written account or have signed a note of a meeting during the previous stages, which will be forwarded to all parties with the other complaint documentation in the usual way.

Members of staff will not usually be required to attend the Complaint Panel Hearing to give a verbal statement unless their conduct is relevant or their account is contentious and the rules of natural justice dictate that the Complainant should be allowed to ask that member of staff questions.

16. Procedure at the Complaint Panel Hearing

The Complaint Panel Hearing will be conducted as follows:

Introduction

- The Clerk to the Complaint Panel will greet the Complainant, the Complainant's supporter and the School's Representative and welcome them into the room where the Complaint Panel has convened (any witnesses will remain outside of the room until they are called in to give their account).

The Complainant

- The Complainant will be invited by the Complaint Panel to give an account of their complaint;
- The School's Representative will be invited to ask the Complainant questions, if any;
- The Complaint Panel will ask the Complainant questions, if any;
- At the discretion of the Chair of the Complaint Panel, the Complainant's witness will be invited into the room to give an account of what they saw or know;
- The School's Representative will be invited to ask the Complainant's witness questions, if any;
- The Complaint Panel will ask the Complainant's witness questions, if any;
- The Complainant's witness will be asked to leave the room;
- If the Complainant has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts and be questioned as outlined above;

The School's Representative

- The School's Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the School;
- The Complainant will be invited to ask the School's Representative questions, if any;
- The Complaint Panel will ask the School's Representative questions, if any;
- At the discretion of the Chair of the Complaint Panel, the School's relevant first witness will be invited into the room to give an account or what they saw or know;
- The Complainant will be invited to ask the School's witness questions, if any;
- The Complaint Panel will ask the School's witness questions, if any;
- The School's witness will be asked to leave the room;
- If the School has any further relevant witnesses, at the discretion of the Chair of the Complaint Panel, they will be invited into the room individually to provide their accounts

and be questioned, as outlined above;

Summaries

- The Complainant will be invited by the Complaint Panel to summarise their complaint;
- The School's Representative will be invited by the Complaint Panel to summarise their response to the complaint and the School's stance;

Conclusion

- The Chair of the Complaint Panel will conclude and explain to both parties that they will hear from the Complaint Panel within ten school days.
- The Complainant and the School's Representative will be asked to leave.

The Chair of the Complaint Panel may restrict accounts given and questions by the parties depending on the relevance/purpose of them, and whether they have been addressed in the documentation.

In addition, all parties must comply with the School's Behaviour policy and a breach of this policy during the hearing may result in the hearing being adjourned and rescheduled if necessary.

17. The Complaint Panel's Decision

The Complaint Panel will convene in private, either immediately after the Complaint Panel Hearing or on a subsequent date.

The Clerk may be present and assist the Complaint Panel in its decision making.

The Complaint Panel will consider all of the documentation and everything that they have heard at the Complainant Panel Hearing and make:

- **Findings of Fact**
The Complaint Panel will decide which facts are established to be true, on a balance of probabilities (i.e. more likely than not).

If a fact is not deemed relevant, the Complaint Panel will not consider it further.

The Complaint Panel will make a written record of the facts that have been established, those which have not been established and those which are not relevant, with their reasons for making these findings.

- **Recommendations** (where appropriate)
The Complaint Panel will consider the facts which they have established and will make recommendations based upon them where appropriate.

These recommendations may be aimed at achieving reconciliation between the parties (for example, a written apology), improving procedures or preventing a recurrence in the future.

The Complaint Panel will keep a written record of their recommendations, with reasons.

For the avoidance of doubt, requests for compensation, or similar, as a result of any complaints are

unlikely to be considered and/or awarded.

18. Notification of the Complaint Panel's Decision

The Chair of the Complaint Panel will prepare a letter identifying each of the issues complained about, summarise how the Complaint Panel Hearing proceeded, and confirm each of the Complaint Panel's findings of fact and recommendations, if any, with reasons.

The letter will also confirm that, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the School has not followed the procedure outlined in this Complaints Policy, the Complainant may refer their complaint to the Education & Skills Funding Agency for further consideration.

The Clerk will circulate the letter and the minutes of the Complaints Panel Hearing within ten school days of the Complaint Panel Hearing to the Complainant, the School's Representative, and any person complained about.

The Clerk will also ensure that a copy of the Complaint Panel's findings and recommendations are made available on the school's premises for inspection by the Trust, the Local Governing Body and the Headteacher.

19. Factors for the Complaint Panel to Consider

It is important that the Complaint Panel Hearing is independent and impartial, and that it is seen to be so.

No person may sit on the Complaint Panel if they have had a prior involvement in the matters which gave rise to the complaint, in dealing with the complaint in the previous stages, or have a prior detailed knowledge of the complaint.

The aim of the Complaint Panel Hearing, which must be held in private, will always be to resolve the complaint and achieve reconciliation between the Trust and the Complainant. However, it has to be recognised that the Complainant may not be satisfied with the outcome if the Complaint Panel does not find wholly in their favour.

It may only be possible to establish the facts and make recommendations which will satisfy the Complainant that his or her complaint has been taken seriously.

An effective Complaint 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 Chair of the Complaint Panel will ensure that the Complaint Panel Hearing is as welcoming as possible, while ensuring that it is procedurally fair to all parties. The layout of the room will set the tone and care is needed to ensure the setting is informal and not substantially adversarial. Extra care needs to be taken when the Complainant is a child, or there are child witnesses present. Care should be taken to ensure that the child does not feel intimidated. The Complaint Panel should be aware of the views of the child and give them equal consideration to those of the adults present. Where the child's parent is the Complainant, it would be helpful to give the parent the opportunity to suggest which parts of the hearing, if any, the child should attend, with the Chair retaining discretion.

The Complaint Panel should ensure that they are familiar with the complaints procedure in advance

of the Complaint Panel Hearing.

The Chair of the Complaint Panel will play a key part at the Complaint Panel Hearing, ensuring that:

- The remit of the Complaint Panel is explained to the parties and each party has the opportunity of making representations without undue interruption;
- All of the issues raised in the complaint are addressed;
- Key findings of fact are made, on a balance of probabilities;
- Each party treats the other with respect and courtesy;
- The Complaint Panel is open minded and acts independently of the School;
- No member of the Complaint Panel has a vested interest in the outcome of the proceedings;
- Each side is given the opportunity to state their case and ask questions;
- All written material is seen by all parties. If a new issue arises during the course of the Complaint Panel Hearing, it would be useful to give all parties the opportunity to consider and comment on it.

Referral to the Education & Skills Funding Agency

Once a complaint has been through all the stages of this Complaints Policy, if the Complainant believes that this Complaints Policy does not comply with the Regulations, or that the Trust has not followed the procedure in this Complaints Policy, the Complainant can refer the complaint to the Education & Skills Funding Agency for consideration.

The Complainant can find further information about referring a complaint to the Education & Skills Funding Agency by using the hyperlink below:

<http://www.education.gov.uk/schools/leadership/schoolperformance/b00212240/making-complaintschool/complaints-free-schools-academies>

The Complainant should be aware that the Education & Skills Funding Agency will not usually investigate the complaint itself, or interfere with the findings of the Complaint Panel, unless the decision made was manifestly unreasonable.

Vexatious Complaints

Whilst it is hoped that this policy will reduce any dissatisfaction with the Trust, it is acknowledged that there may be rare occasions where a complainant continues to be dissatisfied with the Trust and the outcomes achieved under the complaints policy.

Where a complainant attempts to re-open an issue which has already been dealt with under the complaints policy, the Chair of Trustees/local governing body will contact them to inform them that the matter has already been dealt with and that either that stage of the policy has been exhausted or that the complaints policy has been exhausted and the matter is considered closed.

Where further correspondence is received on the same matter, this may be considered vexatious and the Trust will be under no obligation to respond to that correspondence.

The Clerk of the Trust can be contacted via email or in writing as detailed below:

St Joseph Catholic Multi Academy Trust Registered Office:

LACE

Sefton Park

Liverpool

L17 1AA

Clerk to the Trustees:

Mrs Jane Barry

Email:

j.barry@rcaol.org.uk

Chief Executive Officer:

Mr Andrew Truby

Email:

a.truby@stjosephmat.org.uk

Tel: 0151 522 1002

All correspondence should be clearly marked:

For the attention of the Clerk of Trustees of St Joseph Catholic Multi Academy Trust

Re: Formal Complaint

Appendix 1 – Formal Complaint Form

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

| | |
|---|---|
| Your Name: | Students Name & DOB: |
| Your Relationship To The Student: | Students School, Year Group & Form |
| Address, Postcode & Email: | Daytime Telephone: |
| | Evening Telephone: |
| Your complaint is: Include all details including names and dates. | |
| Action already taken to try to resolve the complaint: | |

Appendix 1 – Formal Complaint Form continued.

| | |
|---|--|
| What would you like as an outcome of your complaint? | |
| Details of any attached paperwork. | |

| | |
|-------------------|--|
| Signature: | |
| Date: | |

Please complete and return to the relevant school office/Trust's central office in a sealed envelope addressed to the Clerk of the relevant Local Governing Body, or Clerk of Trustees (as appropriate).

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000.

Appendix 3 – summary of stages

The Complaints procedure has 3 stages:

- Stage 1 – Concerns and difficulties, dealt with informally
- Stage 2 – Complaints formally investigated by the Headteacher (or designate)
- Stage 3 – Complaint Panel Hearing