Complaints Policy

Responsible for Review: Chief Operating Officer Date of Last Review: February 2020
Next Review: February 2021

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1.0 Policy statement

St Margaret Clitherow Catholic School Trust (SMCCAT) is committed to the highest possible standards of honesty and integrity, and expects all staff to maintain these standards in accordance with our Code of Conduct (see Professional Conduct Policy).

However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring or to address them when they do occur.

2.0 Scope and purpose

2.1 Our Trust aims to be fair, open and honest when dealing with any complaint. We give careful consideration to all complaints, and deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the child(ren) above all else. We provide sufficient opportunity for any complaint to be fully discussed, and then resolved. We will:

- consider all complaints seriously;
- set out how we will manage the complaints process;
- make clear the roles and responsibilities of staff in responding to any complaints;
- provide information to those who wish to make a complaint, in accordance with GDPR.

3.0 Introduction

3.1 We strive to provide a high quality education for all our children. The leadership and staff team work very hard to build positive relationships with all parents, carers and stakeholders. However, it is important that the Trust has procedures in place through which parents, carers and stakeholders can exercise their right to complain about any academy/school, Local Governing Body or the Trust, if they have concerns which have not been resolved through the normal channels of communication. It is expected that the concern or complaint will be directed to the academy/school that it relates to, (or to the Trust if the complaint is regarding the Trust). This policy sets out the procedures which the academy/school/Trust follows in such cases.

3.2 If you are unhappy with the education that your child is receiving, or have any concerns relating to the academy/school, we encourage you to talk to the child's class teacher immediately. We always seek to resolve any concerns as quickly as possible, in the best interests of the child. In the vast majority of such cases, issues can be resolved without recourse to formal procedures.

3.3 After all internal academy/school/Trust complaint procedures have been followed, you have the right, as a last resort, to appeal to the ESFA (Education and Skills Funding Agency) if you still feel that your complaint has not been properly addressed.

4.0 Mediation

4.1 At any stage in the procedure the parties to the complaint or issue may request that the matter be referred to mediation. Mediation is voluntary and will only take place if all parties agree. Mediation is likely to be most appropriate in cases involving interpersonal relationships, although there may be circumstances in which alternative non-adversarial discussions may be undertaken with the aim of reaching resolution.

5.0 Behaviour

5.1 We expect all parties to be honest and to behaviour respectfully towards each other. Whilst we believe that complainants have the right to be heard, the Trust reserves the right to conclude an investigation or hearing, without further involvement of the complainant, if the complainant's behaviour is deemed unacceptable, e.g. aggressive.

5.2 All information is to be treated as confidential by all parties.

6.0 Definition

6.1. For the purpose of this document:

- The St Margaret Clitherow Catholic Academy Trust is referred to as The Trust;
- Academy/school refers to all academies and schools within the Trust. .

7.0 The Complaints Process

7.1 Stage 1 – informal

7.1.1. If a parent or carer is concerned about anything to do with the education that we are providing at any of our academies/schools, they should, in the first instance, discuss the matter with their child's class teacher. In our experience, most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress; they naturally want to know if there is a problem, so that they can take action where appropriate.

7.1.2. Where parents or carers feel that a situation is still not resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Head of Department/Head of Year/Deputy or Assistant Head Teacher.

7.1.3. Where parents or carers feel that a situation has still not been resolved through contact with the class teacher or Head of Department/Head of Year/Deputy or Assistant Head Teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the Head of School/Head Teacher.

7.1.4. Where a complaint does not relate to a child at the school the complainant should make informal contact with the Head of School/Head Teacher for an initial discussion to provide details of their issue(s).

7.2 Stage 2 – Formal

7.2.1 An unresolved concern which needs investigation, or a more serious dissatisfaction with some aspect of the academy/schools' policies, procedures, management or administration should be set out in writing with full details and sent with all relevant documents and full contact details for the attention of the Head of School/Head Teacher or the Chair of Governors, as appropriate (only complaints directly against the Head of School/Head Teacher should go to the Chair of Governors). Should a formal written complaint be received by another member of the academy's staff, this should be immediately passed to the Head of School/Head Teacher, or Chair of Governors.

7.2.2 Acknowledgement: The complaint will be acknowledged in writing normally within 5 school days of receipt during term time and as soon as practicably possible during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution.

7.2.3 Investigation and resolution: The Head of School/Head Teacher may deal with the matter personally or appoint an "investigating officer." Where the Chair of Governors is dealing with a complaint against the Head of School/Head

Teacher they may delegate an investigation to another governor where this would be appropriate. The “investigating officer” may request additional information from the complainant and will fully investigate the issue. In most cases the investigating officer will meet or speak with the complainant to discuss the matter.

7.2.4 Outcome: The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 20 school days from the receipt of the complaint. Please note that any complaint received during a school holiday or within 20 school days of the end of term or half term may take longer to resolve.

7.2.5 Unresolved Complaints: Where the complainant is not satisfied with the academy/school’s response to their complaint they may have their complaint considered by a Complaints Panel.

7.2.6 In the case of concerns raised under Stages 1 and 2 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or correspondence between the person raising the concern and the respondent. Members of the Trust/academy/school’s Governance structure who are approached informally by those with a complaint will always refer the parent back to the Head of School/Head Teacher or an appropriate member of the academy/school staff. Only when such steps as provided for in stages 1 and 2 of this policy have been followed and the complainant remains dissatisfied, should the complaint be taken forward to a stage 3 Complaints Panel.

7.3 Stage 3 – Complaints Panel

7.3.1 Only if stages 1 and 2 fail to resolve the matter should a request for a Complaints Panel hearing be made. This must be made in writing, stating the nature of the complaint, how the academy has handled it so far and the reason for the Complaint Panel request. The complainant should send this written request to the Head of School/Head Teacher (or Chair of the Governing Body where a complaint has been made directly against the Head of School/Head Teacher).

7.3.2 The Head of School/Head Teacher or Chair of Governors will investigate the issue to ensure that stage 1 and 2 processes have been followed and that the academy/school has responded properly to the complaint.

7.3.3 The academy/school will convene a panel to hear and consider the complaint. The panel will include at least 3 people who are not involved in matters detailed in the complaint. One member of the panel will be independent of the management and running of the school.

7.3.4 The complainant will be invited to a hearing, where s/he can explain the complaint in more detail. The academy/school must give the complainant at least five school days' notice of the meeting, the opportunity to submit further information in writing and confirm that they can be accompanied by a companion e.g. friend or family member, in a non-verbal capacity (unless they are attending in the role of interpreter), if they so wish.

7.3.5 The panel hearing will usually be held on academy/school premises and all those attending will be expected to behave in an acceptable, professional matter. The Chair of the Complaints Panel retains the right to ask any party to leave the hearing or re-conevene the hearing to a later date (within 5 schools days) should any behaviours exhibited during the meeting be deemed as unacceptable.

7.3.6 After hearing the complaint and all the evidence, the panel may ask questions to clarify any issues. They will also hear from the Head of School/Head Teacher, or Chair of Governors, who will present the academy/school’s position,

and will question him/her about this. The panel will then make findings and recommendations and inform the complainant and, if relevant, the person complained about, about it in writing.

7.3.7 There are no further stages or redress within Trust.

7.3.8 Should you be dissatisfied by the Trust's handling of your complaint you have the right to contact the ESFA via their schools complaints form.

8. Amendments to the Procedure

8.1. There may be instances where following this procedure is not appropriate. In such circumstances the stages of this procedure may be omitted or amended.

8.2. The Trust recognises the need for complaints to be considered and resolved as quickly and efficiently as possible. However, the Trust reserves the right to extend the timescales in this procedure in order to ensure that matters are given thorough and fair consideration. The Trust will ensure that any amendments to the timeframe are not unreasonably excessive. The complainant will be provided with details of any revisions and the reasons for any delay.

8.3. If the complaint relates to the CEO, stage 1 will be omitted and stage 2 should be actioned via writing to the Chair of the Board of Trustees.

8.4. Should the stage 2 investigating officer (via consultation with the Head of School/Head Teacher and CEO) feel it appropriate, the complaint can be referred to the Trust Board, who will then undertake the duties of the stage 2 investigating officer, or delegate them to some other person.

8.5. The Trust retains the right to bring in an external party to assist in their investigations, (HR firm, auditor, or educational specialist for example). Whilst the complainant may request this, there is no onus upon the Trust to grant this request.

9. Uses of this Policy

9.1. **Who May Use This Policy?**

This policy may be used by anyone who has a concern or complaint about any aspect of the academy/school. In the main this will mean the parents and carers of the academy/school's pupils, but may include neighbours of the academy/school, or any other members of the local community. Where complaints are recieved from parents or carers relating to academy/school pupils, pupils must be currently on school roll or have attended the academy/school during the 6 months previous to a complaint being received.

9.2. **Circumstances Under Which This Policy Should Not Be Used**

This procedure should not be used for complaints about the following:

- The national curriculum;
- Collective worship;
- Religious education;
- Non-approved external qualifications or syllabuses;
- Temporary withdrawal of pupils from all or part of the national curriculum;
- Pupil admissions;
- Pupil exclusions.

9.3. Issues related to child protection, criminal investigations and employee grievances must also all be handled separately from this policy.

9.4. This complaints policy is distinct from formal staff disciplinary proceedings and this should be made clear to all concerned. There may be occasions where a complaint gives rise to disciplinary procedures which put the complaints process on hold. If and when this occurs, the complainant should be informed. Any non-disciplinary aspects of the complaint should continue to be dealt with through the usual complaints procedures.

9.5. If another policy is more appropriate than this complaints policy for any given situation then it should be used in preference to it.

10. Recording Complaints

10.1. A written record of all complaints that are held at Stage 2 and 3 will be maintained by the academy/school including how they were resolved and any action taken as a result of the complaint, regardless of whether the complaint was upheld.

10.2. All correspondence, statements and records relating to complaints will be 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.

11.0 Review of policy

This policy will be reviewed annually by the Chief Operating Officer. It may be reviewed before this time should regulations change or advice as to its improvement be received.

The next scheduled review date for this policy is February 2021.