

THE PAINSLEY CATHOLIC ACADEMY



The Painsley Catholic Academy
Better Together

Complaints Policy

September 2018

1 Rationale

- 1.1 Catholic Academies aim to be places where love of one's neighbour is obvious at all times. Christ said to His disciples at the Last Supper "This is my commandment, that you love one another, as I have loved you."
- 1.2 Catholic Academies are staffed by teachers and support staff who are not only qualified and expert in their own field but who also, having freely chosen to become teachers and staff in a Catholic institution, commit themselves to care for and help children in every way possible consistent with the Catholic doctrine, principles and the Catholic ethos of the Academy. Nevertheless, as in any organisation, parents may from time to time raise a concern.
- 1.3 The main purposes of this Complaints Procedure are:
 - 1.3.1 to resolve problems;
 - 1.3.2 to give parents a means to raise issues of concern and to have them addressed;
 - 1.3.3 to show parents the most appropriate person to whom a concern/complaint should be raised;
 - 1.3.4 to encourage all parties to raise and/or respond to concerns as quickly as possible so that they may be dealt with whilst the matter is fresh in peoples' minds.
 - 1.3.5 to stress that at all stages of this policy the discussions, consideration and hearings should be investigatory rather than adversarial in their nature.

2 Legislation and guidance

- 2.1.1 This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have, and make available, a written procedure to deal with complaints from parents of pupils at the school. It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on creating a complaints procedure that complies with the above regulations, and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE) and the Diocesan Education Service.

2.2.1 In addition, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

2.3.1 This policy complies with our funding agreement and articles of association.

3 The role of the Individual Director or Local Governing Body Member

3.1 No individual Director or LGB member may deal with either a concern or a complaint. A parent may approach an LGB member to ask what they should do as they have a concern.

3.2 Directors and LGB members should not get into discussion with a parent but should advise them only of the procedure to follow: to contact the designated teacher with responsibility for your child, or the Principal.

3.3 If the situation is such that the Director or LGB member has to listen in order to help to direct the concern, they must accept that this will prejudice their impartiality if the issue develops and must inform the CEO and/or the Chair of the Local Governing Body.

4. Definitions and scope

4.1. The DfE guidance explains the difference between a concern and a complaint:

4.2 A concern is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

4.3 The school will resolve concerns through day-to-day communication as far as possible.

4.4 A complaint is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action". The school intends to resolve complaints informally where possible, at the earliest possible stage.

4.5 There may be occasions when complainants would like to raise their concerns formally.
This policy outlines the procedure relating to handling such complaints.

4.6 This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances

- Staff discipline

4.7 Please see our separate policies for procedures relating to these types of complaint.

4.8 Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the special educational needs co-ordinator (SENCO); they will then be referred to this complaints policy. The school's SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

4.9 Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

5 Principles for investigation

5.1 When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.2 We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

5.3 Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

5.4 The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

5.5 Complaints about our fulfilment of early years requirements (primary schools only)

5.5.1 We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint.

6 Stages of complaint (not complaints against the Principal/Headteacher)

6.1 Stage 1: informal

6.1.1 The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

6.1.2 The complainant should raise the complaint as soon as possible with the relevant member of staff or the Principal/Headteacher as appropriate, either in person or by

letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office.

- 6.1.3 The school will acknowledge informal complaints within 3 working days, and investigate and provide a response within 10 working days.
- 6.1.4 The informal stage will involve a meeting between the complainant and the Principal/Headteacher.
- 6.2 If the complaint is not resolved informally, it will be escalated to a formal complaint. However, it is hoped that this stage will resolve most cases satisfactorily.
- 6.3 Stage 2: formal
 - 6.3.1 Inform the Principal/Headteacher in writing.
 - 6.3.2 This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.
 - 6.3.3 The Principal/Headteacher (or designated member of the senior leadership team in his/her absence) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance.
 - 6.3.4 In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting, for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.
 - 6.3.4 The Principal/Headteacher (or other person appointed by the Principal/Headteacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 10 days of the meeting.
- 6.4 Stage 3: Inform the CEO in writing
 - 6.4.1 If the complainant is still not happy with the outcome of Stage 2, they should inform the Chief Executive Officer (CEO) in writing within 10 days of the date of the conclusion letter from the Principal/Headteacher.
 - 6.4.2 This letter should set out the details of the complaint. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.
 - 6.4.3 The CEO will respond to the letter either in writing or by inviting the complainant to a meeting within 10 days of receiving the letter. It is anticipated that this Stage should resolve most matters. The complainant will receive full notes of any meetings with the CEO including any agreed actions to resolve the issue(s).
- 6.5 Stage 4: submit the complaint to the review panel
 - 6.5.1 The review panel consists of members of the Local Governing Body. These

individuals will have access to the existing record of the complaint's progress.

- 6.5.2 The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant, the CEO, and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting. The panel, which must be impartial (and seen to be so), may consist of between three and five members. Most members would be members of the LGB, but one member must be independent of the management and running of the school (this may be a member of an LGB from another academy school). No LGB member may sit on the panel if he/she has had any prior involvement in the complaint or in the circumstances surrounding it. Neither the Principal nor the Chair of the LGB should be a member of this panel. The panel should elect their own chair.
- 6.5.3 The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.
- 6.5.4 The panel will acknowledge that complainants may feel nervous and inhibited in a formal setting. The chair of the panel will ensure that the proceedings are as welcoming as possible. Care will be taken to ensure that the layout of the room is informal and the meeting not adversarial in tone
- 6.5.5 At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.
- 6.5.6 The panel, the complainant and the school representatives will be given the chance to ask and reply to questions.
- 6.5.7 Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.
- 6.5.8 The panel must then put together its findings and recommendations from the case.
- 6.5.9 The outcome of the case will be one of the following scenarios:
 - a) Dismiss the complaint in whole or in part
 - b) Uphold the complaint in whole or in part
 - c) Decide on the appropriate action to resolve the complaint
 - d) Recommend changes to the school's procedures in dealing with relevant matters so they do not recur
- 6.5.10 The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the CEO and Principal/Headteacher.
- 6.5.11 The school will inform those involved of the decision in writing within 5 days of the meeting.

- 6.5.12 The role of the Clerk in the meeting will be to:
 - 6.5.13 ensure that all parties have copies of the Complaint Procedure
 - 6.5.14 set the date, time and venue for the hearing, ensuring that the arrangements are the most convenient to all parties, but within 20 school days of receipt of the complainant's wish to invoke Stage 4 of the Procedure, and that the venue and proceedings are accessible
 - 6.5.15 meet and welcome the parties as they arrive for the hearing;
 - 6.5.16 record all proceedings;
 - 6.5.17 notify, in writing, all parties of the panel's decision, within 5 school days following the hearing.
- 6.5.18 The role of the chair to the panel will be to ensure that:
 - 6.5.19 the remit of the panel is explained to the parties and that each party has the opportunity to put their case without undue interruption.
 - 6.5.20 the issues are addressed;
 - 6.5.21 parents and others who may not be used to speaking at such a hearing are put at their ease;
 - 6.5.22 the hearing is conducted in an informal manner with each party treating the other with respect and dignity;
 - 6.5.23 the panel is open minded and acting independently;
 - 6.5.24 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;
 - 6.5.25 each side is given the opportunity to state their case and ask questions;
 - 6.5.26 written material has been supplied to all parties;
 - 6.5.27 if a related issue arises at the hearing, all parties are given the opportunity to adjourn to consider the related issue and then comment on it;
 - 6.5.28 any new issues raised at the hearing are referred to a fresh process, to be dealt with separately from this panel meeting;
 - 6.5.29 any procedural issues that arise are determined by the panel
- 6.6 Checklist for Panel Hearing:
 - 6.6.1 The panel will take account of the following:

- 6.6.2 the hearing is as informal as possible;
 - 6.6.3 witnesses are only required to attend for the part of the hearing in which they give their own evidence;
 - 6.6.4 after an introduction by the chair of the panel, the complainant is invited to explain their complaint, and to be followed by their witnesses;
 - 6.6.5 the Principal and/or the CEO may question both the complainant and the witnesses after each has spoken, but only to clarify what they are saying;
 - 6.6.6 the Principal is then invited to explain the school's actions and be followed by the school's witnesses;
 - 6.6.7 the complainant may question the Principal and the school's witnesses after each has spoken;
 - 6.6.8 the panel may ask questions at any time up to this point, including the outcomes of Stage 3 with the CEO, after which they may ask no further questions;
 - 6.6.9 the complainant is then invited to sum up their complaint;
 - 6.6.10 the Principal is then invited to sum up the school's actions and response to the complaint;
 - 6.6.11 the chair explains that both parties will receive the written decision of the panel from the Clerk within 5 school days;
- 7 Complaints against the Principal/Headteacher/Senior Member of the Multi-Academy/LGB member or Board member
- 7.1.1 Complaints made against the Principal/Headteacher should be directed to the CEO. The CEO will follow the same procedures as set out above. Obviously, Stage 3 will not be applicable and, if there is no resolution at Stage 2, Stage 4 will automatically be invoked.
 - 7.1.2 Where the complaint concerns a member of the LGB, the complaint will be referred to the Chair of the LGB. If it is regarding the Chair of the LGB, the complaint will be referred to the Board of Directors who will appoint an investigator. Where the complaint concerns a senior member of staff working centrally for the Multi-Academy Company or a Director, the complaint will be referred to the Chair of the Board of Directors. If it is regarding the Chair, the Vice Chair will conduct the investigation.
 - 7.1.3 In all cases in the above two paragraphs, the same process will be followed in terms of the stages of investigation and subsequent outcomes. The CEO may or may not be involved (Stage 3) depending upon the nature of the complaint. This will be determined on a case-by-case basis through discussion with the Chair of the LGB or the Chair of the Board of Directors (or their Vice Chairs if the complaint is

against them).

8 Referring complaints on completion of the school's procedure

- 8.1.1 In case the complainant is not satisfied that the complaints procedures were conducted properly and fairly, the letter containing the panel's decision will explain that there is a further right to request an investigation into the application of due process by contacting the Chair of the Board of Directors (or his/her Vice Chair where the complaint is about the Chair). This will enable the Chair to check that the process has been followed correctly. The outcome of this investigation is then submitted to the complainant, the Chair of the LGB and the Principal in writing within 15 days of the receipt of the right to request an investigation letter. The Chair may make recommendations to the LGB where it is felt that procedural matters were not followed correctly and may require for the complaint to be re-investigated.
- 8.1.2 If the complainant is still not satisfied, they can contact the Director of Education at the Diocesan Education Service. Full details will be given by the clerk. The letter to the complainant must explain that such a request must be made within 30 school days of the Appeal Panel hearing and only once 8.1.1 has been completed.
- 8.1.3 8.1.2 is essentially a review of the conduct of the school based parts of the procedure. The Diocese cannot reverse any judgements of the school. They would, however, involve some examination of the context of the complaint to establish whether or not the school had conducted the procedure and come to its judgements in a reasonable way.
- 8.1.4 A copy of the report from the Diocesan Education Service will be sent to the complainant, the Principal, the Chair of the LGB and the Chair of the Board of Directors
- 8.1.5 The report from the Diocesan Education Service may give recommendations to the Directors and LGB.
- 8.1.6 Following the above, the complainant can refer their complaint to the Education Skills and Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the school. The ESFA will not overturn a school's decision about a complaint. However, it will look into:
- 8.1.7 Whether there was undue delay, or the school did not comply with its own Complaints Procedure;
- 8.1.8 Whether the school was in breach of its funding agreement with the Secretary of State
- 8.1.9 Whether the school has failed to comply with any other legal obligation
- 8.1.10 If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.
- 8.1.11 For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

9 Persistent complaints

- 9.1.1 Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of Directors will inform the complainant that the matter is closed.
- 9.1.2 If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:
 - 9.1.3 The school has taken every reasonable step to address the complainant's needs, and;
 - 9.1.4 The complainant has been given a clear statement of the school's position and their options (if any), and;
 - 9.1.5 The complainant is contacting the school repeatedly but making substantially the same points each time.
- 9.1.6 However, this list is not intended to be exhaustive.
- 9.1.7 The school will be most likely to choose not to respond if:
 - 9.1.8 We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
 - 9.1.9 The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or;
 - 9.1.10 The individual makes insulting personal comments about, or threats towards, school staff
- 9.1.11 Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.
- 9.1.12 Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.
- 9.1.13 The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably. More details can be found in our Vexatious Complaints Policy.

10 Record-keeping

- 10.1.1 The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

- 10.1.2 This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.
- 10.1.3 This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of GDPR, or where the material must be made available during a school inspection.
- 10.1.4 Records of complaints will be kept for 10 years.
- 10.1.5 The details of the complaint, including the names of individuals involved, will not be shared with the whole LGB or Board of Directors in case a review panel needs to be organised at a later point.
- 10.1.6 Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint made up of governors of another Painsley multi-academy school.
- 10.1.7 Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.
- 10.1.8 The Local Governing Body will notify the MAC Directors at least termly of any formal complaints received by the LGB under the complaints policy.

11 Learning lessons

- 11.1.1 The CEO and LGB will review any underlying issues raised by complaints with the Principal/Headteacher, where appropriate, and respecting confidentiality, determine practice to help prevent similar events in the future.

12 Monitoring arrangements

- 12.1.1 The CEO, Board of Directors and LGBs will monitor the effectiveness of the Complaints procedure in ensuring that complaints are handled properly. The CEO, Board of Directors and LGB will track the number and nature of complaints, and review underlying issues as stated in section 10.
- 12.1.2 The complaints records are logged and managed by the clerk to the LGB who, in turn, informs the Clerk to the Board of Directors who logs the complaints centrally.
- 12.1.3 This policy will be reviewed by the CEO and Board of Directors every 2 years.

13 Links with other policies

- 13.1 Policies dealing with other forms of complaints include:
- Child protection and safeguarding policy and procedures
 - Admissions policy
 - Exclusions policy
 - Staff grievance procedures
 - Staff disciplinary procedures

- Vexatious Complaints
- SEN policy and information report

14 Anonymous Complaints

14.1.1 Anonymous complaints will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues or bullying allegations, where the school would either involve external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

15 Complaints from other stakeholders

15.1.1 This policy will be followed to deal with complaints from any stakeholders not just parents.

Policy prepared by the Board of Directors on 1st September 2018

This policy will also be reviewed following the completion of any process using the provisions set out above.