



## **COMPLAINTS POLICY AND PROCEDURE**

**January 2019**

**(Version 1)**

<b>Date approved by SNOMAC Directors</b>	<b>1<sup>st</sup> January 2019</b>
<b>Next review date</b>	<b>September 2019</b>
<b>Body responsible for review</b>	<b>Board of Directors</b>

# **Saint Nicholas Owen Catholic Multi Academy Company Complaints Policy and Procedure**

**This Complaints Policy and Procedure has been approved and adopted by Saint Nicholas Owen Catholic Multi Academy Company on 1st January 2019 and will be reviewed in September 2019.**

**Signed by Director of Saint Nicholas Owen Catholic MAC (Academy Trust Company):**

**Academy to which this policy relates:**

**Signed by Principal for – St Ambrose Catholic Primary School:**

**Signed by Principal for – St Joseph’s Catholic Primary School:**

**Signed by Principal for – St Mary’s Catholic Primary School:**

**Signed by Principal for – St Wulstan’s Catholic Primary School:**

**Signed by Principal for – Hagley Catholic High School:**

**Signed by Principal for – Our Lady of Fatima Catholic Primary School:**

## **• Introduction**

All schools are required, by Section 29 of the 2002 Education Act, to establish a complaints procedure and to publicise that procedure. The intention of this procedure is to provide Saint Nicholas Owen Catholic MAC academies with a clear and transparent process that will enable all complaints to be dealt with as quickly and efficiently as possible. The length of time that this takes will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, all complaints will be settled within a period which is reasonable in the circumstances.

The procedure takes into account the principles laid down in the DFE guidance on school complaints procedures.

All references to working days refer to days on which the school is open to pupils and for staff training days.

## **1. General Principles**

Catholic Academies aim to be places where love of one’s neighbour is evident 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.” It is in wishing to uphold this principal that Catholic schools and those who work there, commit themselves to care for their school community and uphold the Catholic doctrine and the ethos of the school. Nevertheless, as in any organisation, there can be times when a complaint may arise and the aim of this Complaints Policy is to set out how those complaints will be dealt with and how the school will work with all parties involved towards achieving a satisfactory resolution.

The main purposes of this Complaints Policy and Procedure are:

- resolve problems as swiftly as possible, ideally through an early informal stage.
- give complainants a means to raise complaints and to have them addressed;
- explain who a complaint should be directed to at the different stages and how they will be dealt with at each stage, including expected timescales.

- encourage all parties to raise and/or respond to complaints as quickly as possible so that they may be dealt with swiftly and whilst the matter is still fresh in peoples' minds.
- stress that at all stages of this policy any discussions, consideration and hearings will be held with the intention to resolve the complaint rather than apportion blame.

It should be noted that this Complaints Policy does not replace the arrangements for dealing with certain types of complaint that fall outside of its remit and are covered by other policies, for example, admissions to schools, statutory assessments of Special Educational Needs, school re-organisation proposals, any matter that may require a Child Protection Investigation, exclusions, whistleblowing, staff grievances and disciplinary procedures and complaints about services provided by third parties using the school premises or facilities.

Schools recognise that complaints can be submitted by anyone, not just by parents of pupils in the school. Complaints will be dealt with consistently regardless of who the complainant is.

A written record of all complaints dealt with at Stage 2 or Stage 3 of this policy will be retained by the school along with any action taken by the school as a result, regardless of whether the complaint is upheld or not. Any correspondence, statements and records relating to complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008.

## **2. The role of the Individual Academy Committee Representative or Director**

It is important that everyone understands that no individual Academy Committee Representative or a Director may deal with a complaint. Anyone considering raising a complaint with the school should refer to Complaints Management Procedure (Appendix B) to check who the complaint should be directed to.

Academy Committee Representatives or Directors should not get into discussion with a complainant if they are approached but should advise them only of the procedure to follow. If the situation is such that the Academy Committee Representative or Director has to listen in order to help direct the complainant, then this would prejudice their impartiality if the complaint is raised and they would be unable to take part in the process any further. Should this situation arise, the Academy Committee Representative or Director concerned must inform the Chair of the Academy Committee or Chair of the Board of Directors respectively.

## **3. Stage 1 – Informal Resolution**

In the majority of cases the concern should be handled, if at all possible, without the need to undertake any formal procedures and this should be the objective of all parties involved. The complaint should be initially discussed with the relevant member of staff, for example the class teacher or form tutor. There is no need at this stage for the complaint to be put in writing, however, the staff member should complete the Initial Record Form (Appendix C) outlining the nature of the complaint and the agreed actions to be taken including any timescales to complete them.

At this stage the complaint should ideally be raised with the relevant staff member within 5 school days and be resolved within 10 school days. The school will, however consider exceptions to complaints being raised outside of 5 school days and will not refuse to deal with a complaint simply because it has been lodged outside of this preferred timescale. 5 school days is considered to be an appropriate length of time to report a complaint so that it is still fresh in everyone's mind and can be dealt with and resolved as quickly as possible.

Should the person raising the concern be unable to resolve the matter at this stage the it may be felt appropriate to move on to Stage 2 of the process. However, it is expected that the majority of complaints would be resolved by the end of Stage 1 without the need to escalate the complaint further.

Based on DES Model Policy 2018

#### **4. Stage 2 – Formal Resolution**

If the complaint cannot be resolved at Stage 1, then the complainant may, if they wish proceed to Stage 2 by completing and submitting a Stage 2 Complaint Form (Appendix D) to the relevant person as detailed in the Complaints Management Procedure (Appendix B). The Stage 2 Complaint Form should be submitted within 10 school days of the conclusion of Stage 1.

On receipt of the Stage 2 Complaint Form, the relevant person will:

- Acknowledge receipt of the Stage 2 Complaint Form with 5 school days.
- Investigate the complaint and decide how best to resolve it. This may involve meeting with and interviewing the complainant and any other persons.
- Within 5 school days of completing the investigation, write to the complainant outlining how the investigation was conducted and the outcome of the complaint. This letter will also include details of what the complainant can do next if the complaint has still not been resolved to their satisfaction. Information advising the complainant that they can escalate the complaint to Stage 3 must also advise them that if they wish to do so then it must be within 10 school days of the notification of the outcome of Stage 2.

#### **5. Stage 3 – Academy Committee Complaints Panel**

If the complainant is not satisfied with the outcome of the Stage 2 process, they may, if they wish, request that the complaint be considered by an Academy Committee Complaints Panel. To request this, the complainant will need to complete and return the Stage 3 Complaint Form (Appendix E) within 10 school days of the notification of the outcome of Stage 2. This form should be sent to the Chair of the Academy Committee (or the Vice Chair of the Academy Committee if the complaint relates to the Chair) via the school address.

The Academy Committee Complaints Panel is the last school-based stage in the complaints process and is not convened to merely rubber-stamp any previous decisions.

The panel will consist of two Academy Committee Representatives and one other person who is independent of the management and running of the school. No Academy Committee Representative may sit on the panel if they have had any prior involvement in the complaint or in the circumstances surrounding it. Neither the Principal nor the Chair of the Academy Committee should be a member of this panel. The panel should elect their own Chair. Where it is not possible for the Academy Committee to convene a panel due to there being insufficient Academy Committee Representatives who have no prior involvement in the complaint, then another Saint Nicholas Owen Catholic MAC school may be approached to request that Academy Committee Representatives from that school make up the panel.

The Stage 3 Complaint Form will be acknowledged within 5 school days and the Academy Committee Complaints panel will normally be convened within 20 school days of the receipt of the form.

Both parties should normally be present whilst the complaint is being described and responded to. However, there may be situations where the Chair of the Academy Committee considers that the relationship between the complainant and the school has broken down to such an extent that any further meeting that they jointly attend would not be beneficial. If this situation arises then the Chair of the Academy Committee may decide that the Stage 3 hearing should be held in two parts with each party, and their witnesses, meeting with the Academy Committee Complaints panel on their own. Should this decision be taken then the Chair of the Academy Committee will advise both parties, The Clerk to the Complaints Panel and the Chair of the Complaints panel accordingly.

The panel will consider the following:

- Any appropriate action to be taken to resolve the complaint

Based on DES Model Policy 2018

- Whether to dismiss the complaint in whole or in part.
- Whether to uphold the complaint in whole or in part
- Whether changes to the school procedures or systems in the future may be necessary to ensure that situations of a similar nature do not recur.

The panel will take into account whether the complaint has been handled properly and reasonably in accordance with this policy and whether the outcome at Stage 2 was reasonable and appropriate.

As part of the Academy Committee Complaints Panel hearing the following will be undertaken:

- a Clerk to the panel will be appointed. This would usually be the Clerk to the Academy Committee.
- the Clerk will ensure that all parties have received a copy of this Complaints Policy.
- the Clerk will set a date, time and venue for the hearing within 20 school days of the receipt of the Stage 3 Complaint Form. The venue will be accessible for all parties.
- at least 10 school days prior to the hearing all parties will submit to the Clerk to the Complaints Panel any written evidence or other documentation to be presented at the hearing, together with the names of any witnesses either party wishes to call.
- all written evidence or other documentation submitted will be sent to all parties and the panel members to arrive at least 5 school days prior to the hearing.
- the Clerk to the Complaints Panel will record the proceedings and notify, in writing, all parties of the panel's decision within 5 school days of the hearing.
- the issues raised in the complaint are addressed.
- the panel will be open minded and act independently.
- no member of the panel will have a vested interest in the outcome of the proceedings or any involvement in any earlier stage of the procedure.
- only the issues raised in the complaint will be discussed and considered. Any new issues raised will need to be raised as a separate complaint and given due consideration by progressing through the Complaints Policy.
- if any party fails to attend the Academy Committee Complaints Panel hearing, then the hearing will continue in their absence and considered on any written evidence that the absent party has submitted at least 10 school days prior to the hearing.

The following points should also be noted:

- all parties shall be put at ease and the hearing will be conducted as informally as possible with each party treating the other with respect and dignity.
- the Chair of the Complaints Panel will explain the panel's remit to all parties and ensure that each party has the opportunity to put their case without undue interruption and to ask questions.
- witnesses are only required to attend for the part of the hearing in which they give their own evidence.
- after an introduction by the Chair of the panel, the complainant is invited to explain their complaint and be followed by their witnesses.
- the Principal may question both the complainant and the witnesses after each has spoken but only to clarify what they are saying.
- the Principal is then invited to explain the school's actions and be followed by the school's witnesses.
- the complainant may question both the Principal and the school's witnesses after each has spoken but only to clarify what they are saying.
- the panel may ask questions at any time.
- the complainant is invited to sum up their complaint.
- the Principal is invited to sum up the school's actions and response to the complaint.
- the Chair explains that both parties will receive the written decision of the panel from the Clerk within 5 school days.

- both parties leave together whilst the panel considers the issues. The Clerk, and any other advisers, may be present with the panel during their discussion but the conclusions and recommendations are the responsibility of the panel members only.

The Chair of the Complaints Panel will ensure that all parties are notified of the panel's decision within 5 school days. The reasons for the decision will be clearly defined, in plain English.

If either party requires clarification concerning any points in the letter, this will be provided by the Chair of the Complaints Panel.

If relevant, any findings and recommendations will also be provided to the person complained about and a copy will be available on the school premises for inspection by the Board of Directors and the Principal.

## **6 Anonymous Complaints**

Anonymous complaints will not be investigated under this policy unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues, 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. The relevant school Principal and Chair of the Academy Committee will consult and agree a relevant course of action for issues that do not relate to safeguarding. A record should be kept of that decision. For Safeguarding issues the matter must be referred to the designated Safeguarding Lead.

## **7 Serial and Persistent Complaints**

There will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. Where a complainant tries to reopen the same issue, the Chair of the Academy Committee will inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **8 Involvement of the Directors**

The Directors of the Saint Nicholas Owen Catholic MAC will not normally involve themselves in dealing with day to day complaints that are being handled under this policy by individual constituent academies. Principals and Academy Committee Chairs are, however required to inform, at the earliest opportunity, the senior most officer of the company and the Chair of the Board of Directors (unless they are implicated and in which case matters should go to their deputy) of complaints received.

## **9 Taking a complaint further**

If a complainant has completed the stages in this Complaints Policy and is still dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Governors have acted unlawfully or unreasonably and where it is expedient or practical to do so.

The Education and Skills Funding Agency (ESFA) considers complaints relating to academy schools in England on behalf of the Secretary of State. The ESFA will consider complaints about academies that fall into any of the following three areas:

1. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.
2. where the academy is in breach of its funding agreement with the Secretary of State.
3. where an academy has failed to comply with any other legal obligation.

The ESFA will not overturn a school's decision about a complaint. However, if it finds that the school did not deal with a complaint properly it will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

If the school's complaints procedure does not meet the Regulations, it will ask the school to put this right. It may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State if appropriate.

The ESFA can be contacted as follows:

### **Website**

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

### **Address**

Ministerial and Public Communications Division

Department for Education

Piccadilly Gate

Store Street

Manchester

M1 2WD

## **10 Expectations under this procedure**

When raising a complaint under this policy a complainant can expect the school to:

- take the complaint seriously.
- treat them with courtesy and respect.
- deal with the complaint with discretion and confidentiality (although if the matter relates to the safety and wellbeing of a child then the school may have to share the details with other agencies).
- offer them the opportunity to be accompanied by a friend, adviser or colleague.
- meet the timescales set unless there are good reasons to extend these, in which case they will be informed of this.
- seek and offer resolution at all stages.
- inform them of the action taken to resolve the complaint and of any measures put in place to ensure that a similar complaint does not arise in the future.

In turn, the school expects that complainants will:

- treat school staff with respect.

- be mindful of the need to keep information relating to children confidential in the interest of all students.
- enter into the process in the spirit of seeking resolution.
- appreciate that if the school considers that disciplinary action may be necessary against a member of staff then this will be dealt with under the school's disciplinary procedure and in confidence.

If there are any queries regarding this policy or the complaints process, please contact the Birmingham Diocesan Education Service:

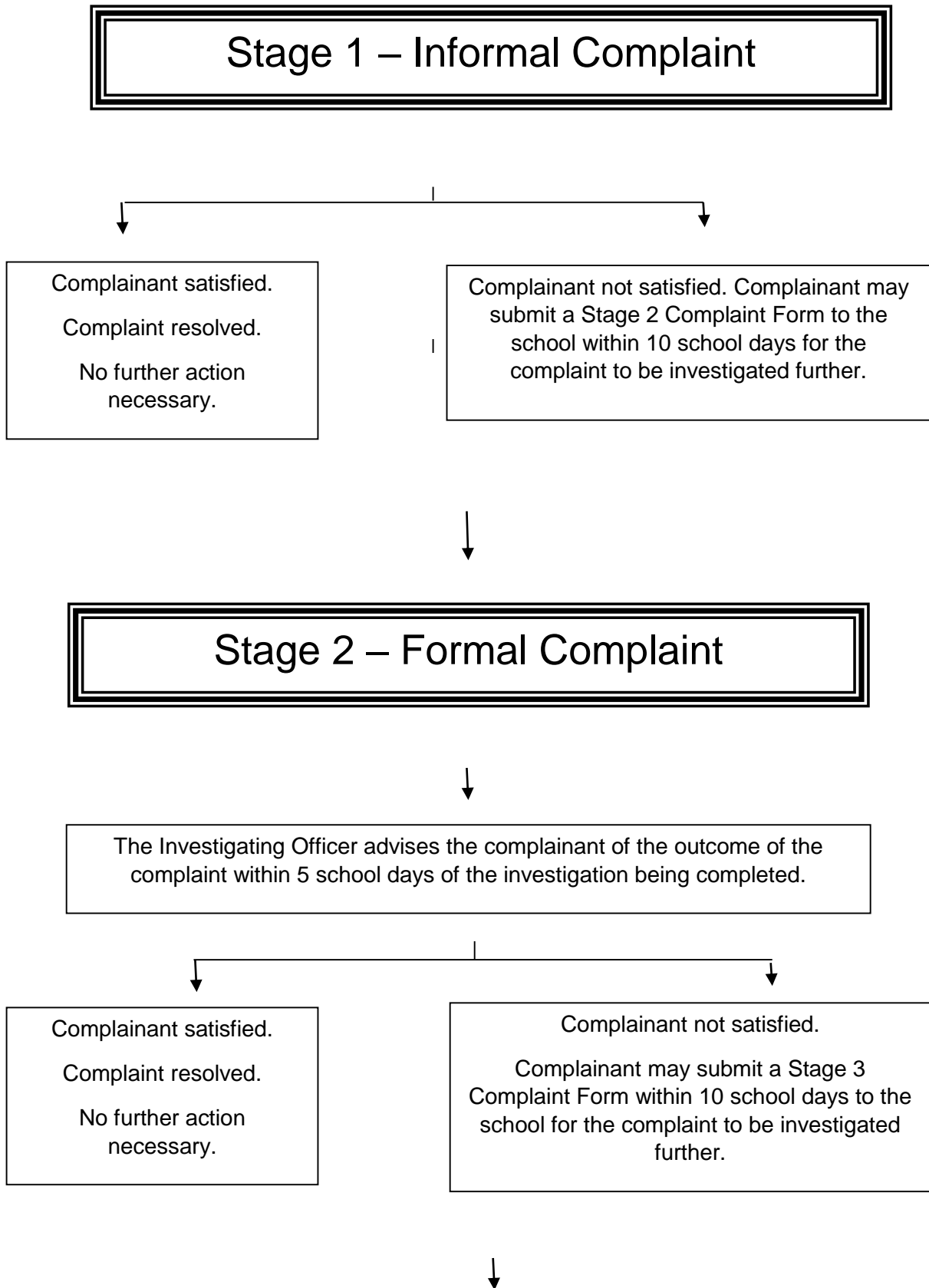
Telephone: 01675 464755

Address – Birmingham Diocesan Education Service  
Don Bosco House  
Coventry Road  
Coleshill  
Birmingham  
B46 3EA

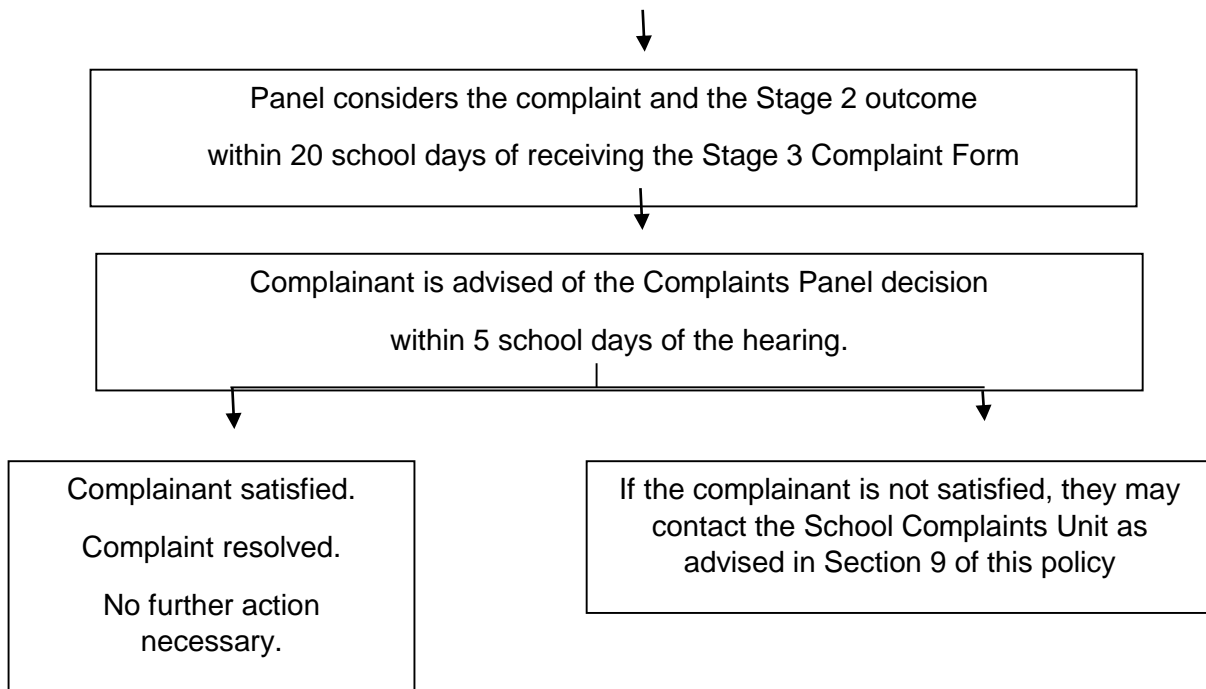
Website: [www.bdes.org.uk](http://www.bdes.org.uk)



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## Stage 3 – Academy Committee Complaints Panel



## Appendix B

### Complaints Management Procedure

<b>Who the Complaint relates to:</b>	<b>Stage 1: Informal Resolution</b>	<b>Stage 2: Formal Resolution</b>	<b>Stage 3: Governors Complaints Panel</b>
Pupil, parents or staff (other than the Principal)	The relevant member of staff, e.g. the class teacher or form tutor	The Principal or other Senior Manager	Panel appointed by the Chair of the Academy Committee
The Principal	The Principal	The Chair of the Academy Committee or another nominated non-staff Academy Representative	Panel appointed by the Vice Chair of the Academy Committee
An Academy Committee Representative or Academy Representatives (other than the Chair of the Academy Committee)	The Chair of the Academy Committee	Another nominated non-staff Academy Representative	Panel appointed by the Vice Chair of the Academy Committee
The Chair of the Academy Committee (or a group of Academy Representatives including the Chair of the Academy Committee)	The Vice Chair of the Academy Committee	Another nominated non-staff Academy Representative	Panel appointed by the Vice Chair of the Academy Committee

**Note:** No Academy Committee Representative will be involved at Stage 3 if they have been involved in the complaint in any way prior to the Stage 3 panel hearing.

## Appendix C

### Initial Record Form for a School Complaint

School:		
Name of Complainant:		
Name of Child:		
Date of Contact with School:		
Nature of Concern		
Actions Taken		
Name:	Signature:	Date:

**Appendix D**  
**Stage 2 Complaint Form**

Your Name:	
Child's Name:	
Your relationship to the child:	
Address:	
Postcode:	
Telephone Number(s):	
Email Address:	
<p>Details of your complaint:</p>	
<p>What action, if any, have you already take to resolve your complaint? Please include details of who you spoke to and what was the response/outcome:</p>	

What actions do you feel may resolve the complaint at this stage?

Are you attaching any paperwork to this Form? If yes, please give details.

Signature:

Date:

**For Office Use Only**

Date acknowledgement sent:

By who:

Complaint referred to:

Date complaint referred:

## Appendix E

### Stage 3 Complaint Form

Your Name:	
Child's Name:	
Your relationship to the child:	
Address:	
Postcode:	
Telephone Number(s):	
Email Address:	
Please provide details of why you are dissatisfied with the outcome of the Stage 2 investigation:	

What actions do you feel may resolve the complaint at this stage?

Are you attaching any paperwork to this Form? If yes, please give details.

Signature:	Date:
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<b><u>For Office Use Only</u></b>	
Date acknowledgement sent:	
By who:	
Complaint referred to:	
Date complaint referred:	