

**PROCEDURE FOR USE IN CATHOLIC ACADEMY TRUSTS IN THE
DIOCESE OF NOTTINGHAM FOR THE MANAGEMENT OF
COMPLAINTS**

St Thomas Aquinas CMAT

Holy Cross Catholic Primary School Leicester

**Adopted by St Thomas Aquinas CMAT Board
on 7th October 2020**

Review date: August 2022

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I. General Principles

This procedure applies to the St Thomas Aquinas CMAT and any academy within the St Thomas Aquinas CMAT and applies to concerns or complaints brought by parents and carers of pupils at any Academy within the St Thomas Aquinas CMAT but also by members of the public about any provision or facilities or services provided.

The St Thomas Aquinas CMAT is committed to providing the very highest standards of education and support and places great value on its strong partnership with parents. However, we recognise that from time to time concerns or complaints may arise and it is our aim to work with all parties involved towards a satisfactory resolution.

The aim of this procedure is to enable those involved to reach a resolution of their concerns by providing a transparent and easily understood process for handling complaints. We will do this by:

- Attempting to resolve concerns through informal discussions at the earliest stage
- Providing named contacts and a timescale for a response to be made by the Academy Trust
- Focusing on resolving complaints rather than apportioning blame
- Promoting confidentiality and discretion
- Being forthright in dealing with vexatious, abusive and malicious complaints

Complaints will be managed in line with the 'Complaints Process' set out within this procedure.

The table entitled 'Complaints Procedure: Management of Stages within the Academy Trust' indicates who will be involved in the management of your complaint depending on the stage it has reached and whether the complaint is against the Holy Cross Catholic Primary School or the St Thomas Aquinas CMAT.

All complaints, regardless of the subject matter, will first be reviewed by the Academy Trust Complaints Co-ordinator. They will ensure that you are informed of what the next steps will be in the handling of your complaint and the timescales involved. If after reviewing the complaint it is decided that an alternative statutory procedure applies then you will be informed. Separate procedures apply for exclusions, admission appeals or decisions your local authority has made about a Special Educational Needs Statement or an Education, Health and Care Plan. Issues related to employees such as disciplinary action, grievances, capability or whistleblowing also have separate specific procedures.

Complaints need to be considered and resolved as quickly and efficiently as possible. Therefore, all complaints must be lodged within 12 months after an incident arises. However, for complaints received after this the St Thomas Aquinas CMAT will take into account exceptional circumstances before deciding whether to accept or progress the complaint.

We will consider complaints made out of term time to be received on the first school day after the holiday period.

Anonymous complaints will not normally be investigated. However, the head teacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

Complaint campaigns against the Academy or the St Thomas Aquinas CMAT, defined as a large volume of complaints all based on the same subject or from complainants unconnected with the Academy/CMAT will not be managed under the procedure. Instead they will receive a standardised response or be a single response on the school/CMAT website.

A written record will be kept of all complaints, whether they are resolved following a formal procedure, or proceed to a panel hearing and the action taken by the academy as a result of those

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

Covid-19 Statement

There may be times when a tier 4 local restriction is in place or school access is restricted due to localised cases of coronavirus (COVID-19). In these cases, it may not be possible to respond within the timescales set out in this procedure. We will however make every effort to engage with those raising concerns as quickly as possible.

2. Expectations Under This Procedure

When you bring a complaint to us under this procedure, you may expect the Academy Trust to:

- Take your complaint seriously;
- Treat you with courtesy and respect;
- Deal with it with discretion and confidentiality (if the matter relates to the safety and well-being of a child then we reserve the right to share details with other agencies);
- Offer you the opportunity to be accompanied at meetings, including Stage 3 panels. Additionally, in the event of a language barrier a translator may attend and in the event that you suffer from a disability requiring reasonable adjustments a person may attend to assist with any physical or mental impairment; *Note: this procedure does not allow for legal representatives to be present at meetings including the Stage 3 panel.*
- Meet the timescales set unless there are good reasons to extend these – in which case you will be informed;
- Seek and offer resolution at all stages;
- Inform you of the action taken to resolve your complaint and of any measures to ensure that a similar complaint does not arise in the future.

In turn, we expect that:

- Our staff will be treated with respect;
- You will be mindful of the need to keep information relating to children confidential in the interests of all our students;
- That you will enter into the procedure in the spirit of seeking resolution;
- If the academy or Academy Trust considers that disciplinary action may be necessary against an employee, then this will deal with this under the disciplinary procedures and will be managed in confidence without this being disclosed to the complainant

All complaints must be considered fully at the informal (Stage 1) and formal investigation (Stage 2) stages before they can be progressed to a formal complaint panel (Stage 3) unless it is agreed with the complainant that that it would be more appropriate for the complaint to proceed directly to Stage 2.

In order to facilitate resolution complainants wishing to progress their complaint to Stages 2 or 3 are required to complete fully and submit the Stage 2 or Stage 3 'Complainant Forms' before their request can be considered.

If, after completing the complaints process the complainant continues to raise the same issue it is reasonable for the academy Chair of Governors or Academy Trust Chair of Directors to inform them in writing that the procedure has been exhausted and that the matter is now closed.

In the unlikely event that anyone bringing a complaint is considered by the academy or Academy Trust to be acting unreasonably or that the complaint is malicious or vexatious, then prompt action will be taken and appropriate restrictions may be imposed. This may include investigating the complaint

without including the complainant in the investigatory process or closing down the complaint. It may also include taking legal action against the complainant. Further information on what may be considered to be malicious or vexatious behaviour is attached at Annex D.

The use of social media to make disparaging or disrespectful comments about individuals, academy or Academy Trust may be considered to be malicious or vexatious behaviour.

3. How to Report a Complaint

Stage 1 - Informal Concerns or Complaints

Concerns or complaints should initially be discussed informally with the relevant Academy Trust employee or representative, for example the subject teacher or form tutor, with a view to resolving the issue. There is no need at this stage for the complaint to be made in writing, however the Academy Trust employee/representative will make a note of any agreed actions using the form at Annex A and this will be retained as a record. Resolution discussions are expected to take place **within 10 school days** of the school being notified of the concern/complaint.

If the complaint has already been discussed with the relevant Academy Trust employee, or that would be inappropriate, a senior manager (for instance the Headteacher, Head of School or Executive Headteacher) will discuss the complaint again with you with a view to seeking to resolve the matter informally.

We would expect the vast majority of concerns or complaints to be resolved at this early stage.

In the unusual event that your complaint remains unresolved after these discussions then you may put your complaint in writing and this will be handled under Stage 2.

Stage 2 - Formal Complaint Investigation

If your complaint cannot be resolved informally, then you will be given the opportunity to put it formally in writing using the form at Annex B. You will need to send this to the Complaints Co-ordinator **within 10 school days** of the conclusion of Stage 1.

Following this, an appropriate person (the Investigating Officer) will be appointed to investigate your complaint further who will:

- Acknowledge your complaint **within 5 school days**.
- Investigate the complaint and then decide how best to resolve it within a further **10 school days**.
- Provide a written response to you outlining how the investigation was conducted and the outcome of the complaint, as well as offering you an opportunity to discuss the outcome if appropriate. This will normally be **within 5 school days** of completing the investigation.
- Advise you on the next steps if after this review your complaint has not been resolved which will be covered under Stage 3.

Stage 3 - Formal Complaint Panel

If your complaint has not been resolved at Stage 2 then you may write **within 10 school days** of the notification of the Stage 2 outcome to the Complaints Co-ordinator requesting a Formal Complaints Panel and explaining why you feel that your complaint has not been fully addressed at Stage 2. You should do this using the reporting form at Annex C.

Your request will be acknowledged **within 5 school days** and you will be informed of the arrangements for the Formal Complaint Panel.

A meeting of the Panel will be convened normally **within 20 school days** of your request.

The Panel will consist of a minimum of three people who have not been directly involved in the matters detailed in the complaint and will include at least one person who is independent of the management and running of the academy (i.e. not a governor at the academy or a Director of the Academy Trust but this may be a governor at another academy within the St Thomas Aquinas CMAT).

The Panel will consider the following:

- any appropriate action to be taken to resolve the complaint;
- whether to dismiss the complaint in whole or in part;
- whether to uphold the complaint in whole or in part;
- whether changes to academy or Academy Trust procedures in the future may be necessary.

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

You will be informed of the outcome at the end of the Formal Panel and this will be confirmed in writing within **7 school days**. You, and where relevant the person complained about, will receive a copy of the findings and recommendations made by the panel and a copy of the minutes of the meeting (subject to any appropriate redactions required to ensure that they are compliant with the Data Protection Act and GDPR), and that these will be retained at the academy and will be made available for inspection on the academy premises by the proprietor and the head teacher and the academy will record the action it takes as a result of the complaint regardless of whether the complaint is upheld.

The decision of the Panel is Final.

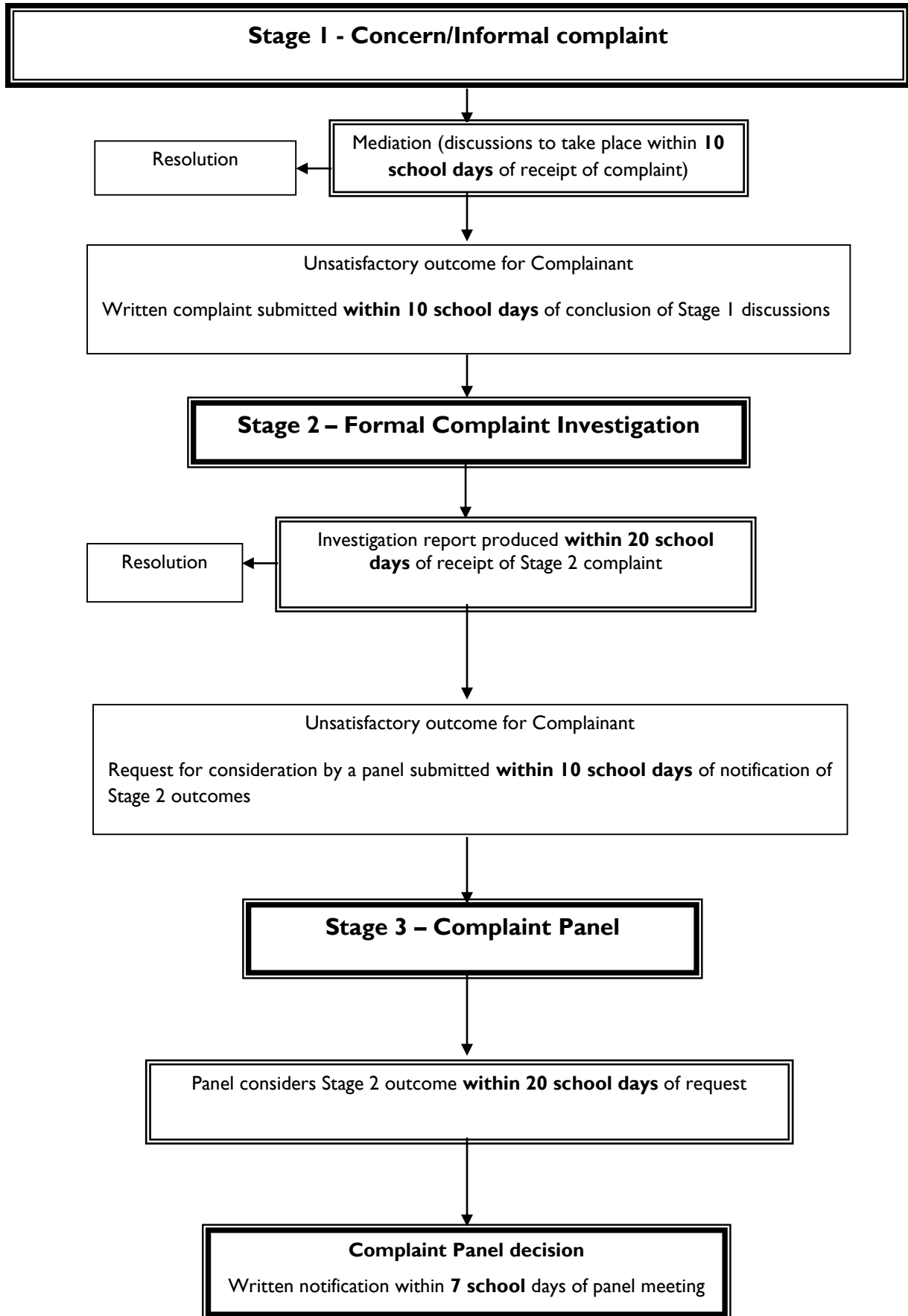
4. Taking your Complaint Further

Although the decision of the Panel is final under this procedure, if you consider that the academy or Academy Trust or their representatives did not handle your complaint in line with the published complaints procedure or they are proposing to act unreasonably, or have failed to carry out their statutory duties then you may refer your complaint to the Education & Skills Funding Agency (ESFA) online at www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Academy/CMAT but they will consider whether the Academy/CMAT has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

COMPLAINTS PROCESS



Complaints Procedure: Management of Stages within the Academy Trust

Complaint against Academy or Academy staff

| Complaint relates to | Stage 1: Informal | Stage 2: Formal Investigating Officer | Stage 3: Complaint Panel |
|---|---|--|---|
| Pupils, parents or staff (other than the Headteacher) | The appropriate member of staff | The Headteacher or other Senior Manager | Panel appointed by the Chair of Governors and including one member independent from the running and management of the academy |
| The Headteacher | The Headteacher | The Chair of Governors or another nominated non-staff Governor | Panel appointed by the Vice Chair of Governors. Panel to include a Trust Director and one member independent from the running and management of the academy |
| The Head of School | The Head of School | The Executive Headteacher | Panel appointed by the Vice Chair of Governors. Panel to include a Trust Director and one member independent from the running and management of the academy |
| The Executive Headteacher | The Executive Headteacher | The Chair of Governors or another nominated non-staff Governor | Panel appointed by the Vice Chair of Governors. Panel to include a Trust Director and one member independent from the running and management of the academy |
| A Governor or Governors (other than the Chair of Governors) | The Chair of Governors | Another nominated non-staff Governor | Panel appointed by the Vice Chair of Governors or a Trust Director. Panel to include one member independent from the running and management of the academy |
| The Chair of Governors (or a group of Governors including the Chair of Governors) | The Vice Chair of Governors or a Trust Director | Another nominated non-staff Governor or Trust Director | Panel appointed by the Vice Chair of Governors or a Trust Director. Panel to include one member independent from the running and management of the academy |
| The whole body of Governors | | Chair of the Academy Trust | A panel appointed by the Chair of the Academy Trust. Panel to include one member independent from the running and management of the academy |

Complaint against the Academy Trust or Academy Trust Officer

| Complaint relates to | Stage 1: Informal | Stage 2: Formal Investigating Officer | Stage 3: Complaint Panel |
|---|---------------------------------------|--|---|
| Academy Trust Officer (other than Chief Executive Officer) | The appropriate Academy Trust Officer | Trust Chief Executive Officer (or the Chair of the Trust or other nominated Director) | Panel of Trust Directors appointed by the Chair or Vice-Chair of the Trust |
| Trust Chief Executive Officer | Trust Chief Executive Officer | Chair of the Academy Trust or another nominated Trust Director | Panel of Directors appointed by the Vice-Chair of the Trust |
| Trust Director (other than the Chair of the Trust) | Chair of the Trust | Another Trust Director | Panel of Directors appointed by the Vice-Chair of the Trust. Panel to include one member independent from the running and management of the Trust |
| The Chair of the Trust (or a group of Directors including the Chair of Directors) | Vice-Chair of the Trust | Another Trust Director | Panel of Directors appointed by the Vice-Chair of the Trust. Panel to include one member independent from the running and management of the Trust |
| The whole body of Trust Directors | | The Nottingham Roman Catholic Diocesan Education Service or a person appointed by them who must be independent from the running and management of the Trust. | A panel appointed by the Nottingham Roman Catholic Diocesan Education Service. Panel members to be independent from the running and management of the Trust |

Note: Governors or Directors will not be part of any Stage 3 panel if involved in any of the previous management stages.

Stage I - Initial Record of concern/complaint

| | |
|------------------------------|-------------|
| Academy/Academy Trust | |
| Name of Complainant | |
| Name of Child | |
| Date of Contact | |
| Nature of concern | |
| | |
| Actions Taken | |
| | |
| Signature | Date |

Stage 2 - Complainant Form

Please complete and return to the Complaints Co-ordinator who will acknowledge receipt and explain what action will be taken.

| |
|--|
| Your name: |
| Pupil's name: |
| Your relationship to the pupil: |
| Address: Postcode: Telephone number: Email: |
| Please give details of your complaint |
| What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)? |
| What actions do you feel might resolve the problem at this stage? |

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Stage 3 - Complainant Form

Please complete and return to the Complaints Co-ordinator who will acknowledge receipt and explain what action will be taken.

| |
|---|
| Your name: |
| Pupil's name: |
| Your relationship to the pupil: |
| Address: Postcode: Telephone number: Email: |
| Please confirm that you are requesting that your complaint be taken to a Stage 3 panel. |
| Please provide details of why you were dissatisfied with the outcome of the Stage 2 investigation. |
| What actions do you feel might resolve the problem at this stage? |

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Procedure for Dealing with Unreasonably Persistent (Vexatious) Complainants

Introduction

1. The majority of people with complaints or concerns about the academy/Academy Trust behave reasonably in pursuing their complaint. This means that they:
 - treat all Academy Trust staff with courtesy and respect;
 - respect the needs of pupils and staff within the academy/Academy Trust;
 - avoid the use of violence (including threats of violence) towards people and property;
 - recognise the time constraints under which members of staff work and allow the academy/Academy Trust a reasonable time to respond to a complaint;
 - recognise that resolving a specific problem can sometimes take some time;
 - follow the complaints process.
2. However, sometimes academies/Academy Trusts have to deal with **complainants that are unreasonably persistent**.

Definitions

3. An “**unreasonably persistent complainant**” is defined as follows:

‘An unreasonably persistent complainant is a person who complains about issues, either formally or informally, or frequently raises issues that he/she considers to be within the remit of the academy/Academy Trust and whose behaviour is unreasonable. Such behaviour may be characterised by:

- actions which are obsessive, persistent, harassing, prolific, repetitious; and/or
- prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or
- an insistence upon pursuing invalid or unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or
- an insistence upon pursuing valid or meritorious complaints in an unreasonable manner.’

4. “**Harassment**” is defined as follows:

Harassment is the unreasonable pursuit of the actions listed above in (3) in such a way that they:

- appear to be targeted over a significant period of time on one or more members of academy/Academy Trust staff; and/or
- cause ongoing distress to individual member(s) of academy/Academy Trust staff; and/or
- have a significant adverse effect on the whole/parts of the academy/Academy Trust community; and/or
- are pursued aggressively

Deciding whether a complainant should be deemed an unreasonably persistent complainant

5. The Headteacher [with the agreement of the Chair of Governors] or Chief Executive Officer [with the agreement of the Chair of Directors], may deem a complainant to be an unreasonably persistent complainant.
6. The Headteacher/Chief Executive Officer will ensure that there is sufficient evidence available to justify the decision. They will take legal advice to confirm that the evidence is sufficient.

Action that can be taken where a complainant is deemed to be persistent and or unreasonably

7. Where the complaints procedure has been exhausted but the complainant remains dissatisfied and continues correspondence making substantially the same points or where they attempt to re-open the same issue the academy/Academy Trust, through the Chair of Governors/Chair of Directors, may write to them informing them that the matter is now closed.

If they continue to correspond on the same issue the academy/Academy Trust could go further and take the decision to cease responding. This decision must be based on the understanding that the academy/Academy Trust has taken every reasonable step to address the complainant's needs and they have been given a clear statement of the academy/Academy Trust's position.

If an individual is persistently raising complaints and this is disruptive the academy/Academy Trust may impose restrictions on communications with them. The academy/Academy Trust will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate but may include, depending on the particular circumstances of the case:

- insisting that no member of staff should meet the complainant on his/her own;
- restricting telephone calls from the complainant to specified days, times and possibly a set number of contacts per term;
- requiring that all future contacts with the academy are in writing, except in emergencies; this includes contacts with members of the governing body or Directors of the Trust, who should only be contacted at the academy/Academy Trust address;
- merely acknowledging correspondence from the complainant that raises issues that have already been dealt with;

Dealing with cases of harassment of school staff

8. Where a complainant persists to the point that the academy/Academy Trust considers it to constitute harassment of an employee swift and decisive action will be undertaken. Legal advice will be sought at the earliest opportunity. Action may include an injunction or other court order being issued to complainants because of their behaviour.

Barring from School Premises

9. Whilst academies/Academy Trusts fulfil a public function they are private places and the public have no automatic right of entry. Academies/academy trusts must ensure they remain a safe place for pupils, staff and other members of their community.

If an individual's behaviour is a cause for concern the academy may ask them to leave academy premises.

In serious cases such as where the behaviour is causing distress to others the academy/Academy Trust may also consider barring the individual from academy premises.

New Complaints from Unreasonably Persistent Complainants

10. Regardless of whether there is a correspondence or contact restriction in place against an individual any **new and substantive issues** raised by the complainant will be treated on their merits and considered by the academy/Academy Trust.