



## Complaints Policy

### Our Vision

Formation - Inspiration - Transformation

### Our Mission

We develop individual excellence, embrace opportunities and build strong communities with Gospel Values at the heart.

### Our Values

Respect - Innovation - Courage - Trust



#### Document Management

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## Complaints Procedure

The directors of The Holy Family Catholic Multi Academy Trust (HFCMAT) have approved and adopted this procedure to allow parents/carers of pupils attending academy schools within the trust to raise a concern or complaint. We will also usually follow this procedure when dealing with complaints from others but reserve the right to substitute this procedure for an alternative process where it is appropriate to do so.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Holy Family Catholic Multi Academy Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

This procedure does not apply to concerns and complaints relating to the following:

- exclusions;
- admissions;
- appeals relating to internal assessment decisions for external qualifications;
- complaints about statements of SEN/EHC Plans;
- grievances or disciplinary issues relating to members of staff; or
- issues related to child protection

See **Appendix 1** for guidance on making complaints about these issues.

The aims of the procedure are:

- to deal with any complaint against an academy or any individual connected with it by following the correct procedure;
- to deal with all complaints thoroughly and by being open, honest and fair and also respecting individuals' confidentiality when dealing with the complaint.

In this procedure:

- 'school days' excludes weekends and academy holidays;
- 'parent' means a parent, carer or anyone with legal responsibility for a child.

All staff will be made aware of this complaints procedure and are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention.

## Part 1

This policy outlines how parental or pupil complaints will be dealt with by the trust in accordance with the requirements of The Education (Independent School Standards) (England) Regulations 2014, as amended. Concerns or complaints from persons other than parents/carers or pupils will be dealt with in accordance with Part 2.

### How to raise a concern or make a complaint

#### Stage 1: Informal

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Headteacher/Head of School/Executive Headteacher (for primaries). Most enquiries and concerns can be dealt with satisfactorily by the class teacher or other members of staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have and aim to resolve all issues with open dialogue and mutual understanding.

It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. You may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.

If the matter is brought to the attention of the Headteacher/Head of School/Executive Headteacher (for primaries), s/he may decide to deal with your concerns directly at this stage. If the concerns are about the Headteacher/Head of School/Executive Headteacher (for primaries), these should be referred directly to the Chair of the Local Governing Body under Stage 2.

There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 15 school days. Where no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should write to the Headteacher/Head of School/Executive Headteacher (for primaries) under Stage 2.

#### Stage 2: Formal Written Complaints

If your concerns are not resolved under Stage 1 or you wish your concerns to be dealt with immediately as a formal complaint, you should put your complaint in writing and send this to the Headteacher/Head of School of the relevant academy/Executive Head (for primaries), which in the vast majority of cases will be the academy school which your child attends. We will accept alternative methods, other than writing, should this be necessary in line with The Equality Act 2010.

Your written complaint should include details which might assist the investigation, such as the nature of the complaint, details of how the matter has been dealt with so far, the names of potential witnesses, dates and times of events and copies of all relevant documents. It is very important that you include a clear statement of the actions that you would like the academy to take to resolve your complaint. The

**‘Making a Complaint’ form in Appendix 2** can be used.

Complaints against school staff (except the Headteacher/Head of School/Executive Head) should be made in the first instance, to the Headteacher/Head of School/Executive Head (for primaries) via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Headteacher/Head of School/Executive Head (for primaries) should be addressed to the Chair of the Local Governing Body, via the school office. Please mark them as Private and Confidential.

Complaints about any individual governor should be made to the Chair of the Local Governing Body, via the school office. Complaints about the Chair of the Local Governing Body or the whole governing body should be sent to the Chair of the Directors.

An anonymous concern or complaint will not be investigated under this procedure unless there are exceptional circumstances.

Your complaint will normally be acknowledged in writing within 5 school days of receipt. The acknowledgement will give a brief explanation of the academy’s complaints procedure and a target date for providing a response to the complaint. This will normally be within 15 school days of receipt.

The Headteacher/Head of School/Executive Head (for primaries), (or someone appointed by them) will usually invite you to a meeting to clarify your complaints and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative, advocate or interpreter, to assist you. Where possible, this meeting will take place within 10 school days of receipt of the written complaint.

If necessary, witnesses will be interviewed and statements taken from those involved. If the complaint centres on a pupil, the pupil should also be interviewed. Pupils should normally be interviewed with their parent present, but if this would seriously delay the investigation of a serious or urgent complaint or if the pupil has specifically said that s/he would prefer that their parents were not involved, another member of staff with whom the pupil feels comfortable should be present. If a member of staff is complained against, they must have the opportunity to present their case.

Once all the relevant facts have been established as far as possible, you will be provided with a written response to the complaint, including a full explanation of the decision and the reasons for it. This will include what action the academy will take to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by the Complaints Committee.

If in the early stages of the investigation, the Headteacher/Head of School/Executive Head (for primaries) considers that the complaint is best dealt with immediately at Stage 3, it will be passed to the Chair of the Directors and you will be informed of this action without delay.

### **Stage 3: Referral to the Complaints Committee**

If you are dissatisfied with the decision under Stage 2, you may request that a Complaints Committee be convened to consider your complaint. Your request will only be considered if you have completed the relevant procedures at Stages 1 and 2.

To request a hearing before the Complaints Committee, you should write to the Executive Assistant to the CEO within 10 school days of receiving notice of the outcome of Stage 2. You should ensure that you

provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you are looking for.

Your written request will be acknowledged within 5 school days of receipt.

The Executive Assistant to the CEO will arrange for a Complaints Committee to be convened, made up of at least three members, including:

- members of a Local Governing Body and/or directors of the Academy Trust with no prior involvement in the matter; and,
- one person who is independent of the management and running of the academy trust.

The Executive Assistant shall appoint one of these members to be the Chair of the Committee.

Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. As soon as reasonably practicable and in any event at least 5 school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the committee. The notification will also inform you of your right to be accompanied to the meeting by a friend, relative, advocate or interpreter and explain how the meeting will be conducted. You should notify the Executive Assistant in advance if you intend to bring anyone to the hearing.

A copy of the complaint and any other documents provided by you in support of your complaint or by the academy in defence of the complaint will be provided to the Complaints Committee as soon as practicable upon receipt. Copies of these documents shall also be provided to you or the Headteacher/Head of School/Executive Head (for primaries) (as applicable) at least 3 school days before the hearing. The Complaints Committee reserves the right not to consider any documentation presented by either you or the academy less than 3 school days prior to the hearing. The Complaints Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account.

The hearing will be conducted in such a way as to ensure that each party has the opportunity to address the Complaints Committee. The procedure to be followed during the hearing will be set out to the parties by letter in advance of the hearing. The Executive Assistant will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed.

Unless otherwise stated, the procedure for an appeal is as follows:

- the parent and Headteacher/Head of School/Executive Head (for primaries) will enter the hearing together;
- the Chair of the Committee will introduce the committee members and outline the process;
- the parent will explain the complaint;
- the Headteacher/Head of School/Executive Head (for primaries) and committee members will question the parent;
- the Headteacher/Head of School/Executive Head (for primaries) will explain the academy's actions;
- the parent and the committee members will question the Headteacher/Head of School/Executive Head (for primaries);

- the parent will sum up their complaint;
- the Headteacher/Head of School/Executive Head (for primaries) will sum up the academy's actions;
- the Chair of the Committee will explain that both parties will hear from the committee within 5 school days;
- both parties will leave together while the committee decides;
- the Executive Assistant will stay to assist the committee with its decision making.

The Executive Assistant and/or Complaints Committee reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and Headteacher/Head of School/Executive Head (for primaries) to present their complaint/actions separately to the Committee in the absence of the other party.

After the hearing, the Complaints Committee will consider their decision and inform you and the Headteacher/Head of School/Executive Head (for primaries) of their decision in writing within 5 school days. The letter will set out the decision of the committee together with the reasons underpinning that decision. The committee can (by a majority if necessary):

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not happen again.

#### **Stage 4: Referral of complaint to Education and Skills Funding Agency (ESFA)**

If you believe the school did not handle your complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, you can contact the Department for Education after they have completed Stage 3.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the Holy Family Catholic Multi Academy Trust. They will consider whether Holy Family Catholic Multi Academy Trust has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

## **Additional Information**

### **Records of complaints**

A written record will be kept of all complaints, including at what stage they were resolved. Correspondence, statements and records relating to individual complaints will be kept confidential except where access is requested by the Secretary of State or where disclosure is required in the course of a school inspection or under other legal authority.

### **Time scales**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply.

If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales.

### **Complaints received outside of term time**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## **Part 2**

### **Concerns or Complaints from persons other than parents/carers of registered pupils in the academy**

The main body of this complaints policy applies solely to complaints made by parents or carers of pupils in the academy. The academy wishes to work closely with other members of the local community and will deal with concerns and complaints as follows:

1. A concern regarding the academy and/or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or member of SLT who is best placed to deal with the concern. It is expected that most concerns will be responded to orally or in writing within 5 school days. If a longer period is required, you will be kept informed of the progress of the investigation.
2. Where a concern is not resolved at stage 1, a formal complaint should be sent to the Headteacher/Head of School/Executive Head (for primaries) to investigate. The Headteacher/Head of School/Executive Head (for primaries) may delegate the task of investigation and/or responding to the complaint to a member of the senior leadership team or may escalate the complaint straight to stage 3. A formal response to the complaint will usually be provided within 10 school days of receipt of the letter of complaint although if a longer period is required to respond, you will be kept updated.
3. If you are not satisfied with the response at stage 2, you may request a review by writing to the Chair of the Local Governing Body of the Academy. You should write to the Chair within 10 school days of receipt of the letter at stage 2. The Chair may consider the complaint alone or may convene a complaints committee on the same terms as set out in the main body of the complaints policy. The

decision at this stage will usually be sent to you within 20 school days of receipt of the request for a review.

The decision at stage 3 exhausts the academy's complaints procedure.



## Part 3

### **Unreasonably persistent complainants and unreasonable complainant behaviour**

There are rare circumstances where we will deviate from the Complaints Procedure set out in Part 1. These include, but are not necessarily limited to:

- where the complainant's behaviour towards staff, members of the Local Governing Body or directors is unacceptable, for example, is abusive, offensive or threatening;
- where, because of the frequency of their contact with the academy, the complainant is hindering the consideration of their or other people's complaints and/or the proper running of the academy;
- where the complainant's complaint is clearly vexatious and/or has patently insufficient grounds;
- where the complainant's complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full by the academy.

In these circumstances, we may:

- inform the complainant that their behaviour is unacceptable or unreasonably persistent and ask them to change it;
- restrict the complainant's access to the academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone calls to specified days and times or banning the complainant from the academy's premises;
- conduct the Complaints Committee on the papers only i.e. not hold a hearing;
- refuse to consider the complaint and refer the complainant directly to Stage 4.

In all cases we will write to tell the complainant why we believe his or her behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the Local Governing Body or directors, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

## Appendix 1

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>Admissions to schools</li> <li>Statutory assessments of Special Educational Needs</li> <li>School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with <a href="#">Wirral/CWAC Local Authority</a>.</p>
<ul style="list-style-type: none"> <li>Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
<ul style="list-style-type: none"> <li>Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at:  <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at:  <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>Complaints about services provided by other providers who</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

may use school premises or facilities	
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

## Appendix 2

## Complaints Form

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>
<b>Postcode:</b>
<b>Daytime telephone no:</b>
<b>Evening telephone no:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</b>
<b>What actions do you feel might resolve the problem at this stage?</b>
<b>Are you attaching any paperwork? If so, please give details.</b>

<b>Signature:</b>	
<b>Date:</b>	
<b>Official use</b>	
<b>Date acknowledgement sent:</b>	
<b>By who:</b>	
<b>Complaint referred to:</b>	
<b>Date:</b>	