



## COMPLAINTS POLICY

This complaints policy has been revised using:

- The DFE best practice advice for School Complaints 2020 – updated 15<sup>th</sup> January 2021

### ABOUT THIS POLICY

This policy sets out the most effective process for dealing with the majority of complaints which are not covered by alternative statutory procedures. In most cases any concern or complaint, regardless of whose attention it is initially brought to, should be discussed informally (stage 1) before being submitted at any of the following consecutive formal stages. There is a difference between a concern and a complaint and stage 1 is intended to provide reassurance that a complaint can be resolved informally.

This policy does not cover complaints where there is another route available to make representations or appeal, such as:

- Pupil admissions
- Pupil exclusions
- Education Health Care Assessments or the content of Education Health Care plans
- Appeals relating to internal assessment decisions for external qualifications
- Staff grievances
- Whistleblowing
- Staff conduct complaints and Disciplinary procedures relating to members of staff
- Matters likely to require a child protection investigation
- National Curriculum content
- Complaints about collective worship
- Complaints about services provided by other providers who may use school premises or facilities
- School reorganisation proposals

Each of the above have alternative processes and are set out in their relevant policies.

### WHO IS ALLOWED TO COMPLAIN?

This policy may be used by anyone who has a concern or complaint about any aspect of the school. In the main this will mean the parents and carers of the school's pupils but may include parents or carers

of children no longer at the school, neighbours of the school, or any other members of the local community. It will also include outside agencies attached to the school.

## AIMS AND OBJECTIVES OF THE POLICY

This complaints policy aims to:

- Encourage the resolution of problems by informal means wherever possible
- Ensure that concerns are dealt with quickly and within clearly defined time limits
- Provide effective responses
- Maintain good working relationships between all people involved with the school

## MONITORING COMPLAINTS

At all stages of the complaints procedure, the following information should be recorded:

- The name of the complainant
- The date and time at which complaint was made
- The details of the complaint
- How the complaint is investigated
- Results and conclusions of investigations
- Any action taken
- The complainant's response

Normally a complaint is managed by the person with the best knowledge of the situation and who can provide a speedy resolution of the issue. This may be a Head of Department or Head of House, a member of the senior leadership and the headteacher. When this is the case, this individual will have the responsibility for the operation of the school complaints policy and will be responsible for securing a resolution. Records should be retained.

Blessed Thomas Holford will review and evaluate all complaints to ensure that similar issues are avoided in the future or to see if they could have been managed any more effectively. All records of any complaints will be kept confidential but may be inspected where appropriate by the Secretary of State or any inspection body.

The governing body will review the complaints procedure every year.

## UPHOLDING OR NOT UPHOLDING COMPLAINTS

At each stage of the complaints procedure, the conclusion will be either:

1. That the complaint is upheld (in part or in full) and action is taken.  
Or
2. That the complaint is not upheld and reasons for this are clearly given.

In the first instance, it may be appropriate to offer one or more of the following:

- an apology
- an explanation

- an assurance that the event complained of will not recur
- an undertaking to review school policies in light of the complaint

## PUBLICITY AND COMMUNICATION

This policy will be made available via the School Office and on the website. It may be included within the information given to new parents when their children join the school. All staff and members of the governing body are made aware of the complaints procedure and the various stages involved and will be expected to review this document regularly to be familiar with the process.

## CONFIDENTIALITY

Confidentiality is vital. All conversations and correspondence will be treated with discretion. Complainants have the right to know what use will be made of personal information and, accordingly, personal information will only be shared between staff on a 'need to know' basis.

## EQUAL ACCESS, ACCOMPANIMENT AND REPRESENTATION

Appropriate steps will be taken to ensure that any individual can raise their concerns or submit a formal complaint. This includes the right to be accompanied by a friend or relative at discussions and hearings.

If a complaint concerns the Headteacher, the governing body will undertake the investigation and if necessary, involve the diocese and local authority.

The stages of the complaint

## ANONYMOUS COMPLAINTS

The School will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

## TIME SCALES

Any complaint must be raised 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 if exceptional circumstances apply.

Any complaints received outside of term time are deemed to have been received on the first school day after the holiday period.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the school in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

The complainant will be informed should timescales need to be adjusted for any reason.

#### STAGE 1 (INFORMAL): CONCERN HEARD BY STAFF MEMBER

It is in everyone's interest that complaints are resolved at the earliest possible stage. If a concern can be settled by a Head of Department or Head of House then this ensures any issue is dealt with speedily. If there is an issue with your child's progress in a lesson or if there is a behaviour matter in school stage 1 is the best place to deal with it and with the person who knows most about the issue.

So that there is complete clarity about the nature of the complaint at stage 1 it is advisable that this be communicated in writing, and if not, by telephone or face to face. It may be that a member of staff is teaching and therefore it may be necessary to leave a message or to wait until a time when they are free.

Stage 1 is also the point at which a concern received by the Headteacher may be passed to another member of staff to deal with and this will be communicated to the parent. This process should take no longer than 7 school days. [Further detail should be included eg if this will involve an informal meeting whether in person or telephone or video conference to discuss any concerns further]

**If your complaint is about a member of staff**, you should first raise this with the headteacher either in person or in writing (marking it private and confidential), and a meeting can be arranged with the headteacher to discuss the issue at hand.

**If your complaint is about the headteacher**, you should raise your concern in writing with the chair of governors.

If your complaint is about a governor, you should raise your concern in writing with the clerk to the governing body who can be contacted at [julie.lawson@trustgs.co.uk](mailto:julie.lawson@trustgs.co.uk)

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure. If a complaint is made to a governor, they will refer complaints back to the appropriate member of staff.

All staff will attempt to ensure your concerns are dealt with appropriately and efficiently. However, where the concern cannot be addressed to the satisfaction of a complainant or an agreement cannot be reached, the complaint can be progressed by the complainant to the formal stage (Stage 2) by writing to the headteacher making a formal complaint.

#### STAGE 2 (FORMAL): COMPLAINT HEARD BY HEADTEACHER

Any formal complaint received will be passed to the Head of School or Executive Headteacher who will review all the information received under stage 1 and talk to the complainant about why he/she is dissatisfied. The complainant should set out enough detail to enable the senior leader to investigate,

and what the complainant feels would resolve the complaint. The senior leader will consider the evidence and decide the outcome.

The senior leader will acknowledge your complaint within 3 school days and will outline the procedure and a target date for providing a written response to the complaint which will normally be within 10 school days of receipt. If the Headteacher deals with the complaint at stage 2 he may delegate the task of collecting the information to another staff member but not the decision on the action to be taken.

The headteacher may arrange a meeting with the complainant to discuss the issue, possible solutions, or to explain what has or will happen because of the complaint. The headteacher will keep a record of all interactions with the complainant and other staff, meetings and decisions made about the complaint.

The headteacher will respond to the complainant in writing outlining their response to the concern, and any action that has or will be taken. If they have decided not to take any further action on the issue, they will explain what they have decided, how they have reached this decision, and will outline the complainants right to take the matter further and the steps to be taken.

Any formal complaint about the headteacher or governor should be raised with the Chair of Governors who will determine the appropriate process. Where the Chair of Governors has appointed someone to investigate at Stage 1, the matter may be processed to Stage 3 without a further investigation at Stage 2.

### STAGE 3 (FORMAL): COMPLAINT HEARD BY COMPLAINTS APPEAL PANEL OF GOVERNORS

If the complainant remains dissatisfied with the outcome of the investigation by the Headteacher, under Stage 2, the complainant should write to the Chair of Governors to request that their complaint is considered further by a panel of Governors within 10 school days of receiving the outcome of their complaint at Stage 2.

If the complaint is regarding the Headteacher or a Governor, it will be investigated by the Chair of Governors who may conduct the investigation him/herself, delegate it to another Governor or commission an independent investigation. The Chair should seek advice from the Clerk to Governors and if necessary, HR and Legal Advisors. This process should take no longer than 10 school days.

Any complainant also has the right to have their case heard by a Complaints Appeal Panel, comprising of at least 3 members of the Governing body. This will normally be heard within 15 school days of the request being lodged and to also allow for a panel to be constituted and information to be shared.

Stage 3 will be conducted using an independent clerk.

The Clerk will convene a complaints appeal panel on a mutually agreed convenient date within the timescale. If despite best efforts it is not possible to agree a time and date mutually convenient date and time for a hearing within a reasonable timeframe, the clerk may determine that the hearing proceeds on written submissions from the complainant and the school.

The governors' appeal hearing is the last school-based stage of the complaints process and is not convened merely to rubber-stamp previous decisions. Individual complaints would not be heard by the whole governing body at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.

The Complaints Appeal Panel will be constituted by Governors subject to availability and impartiality. The Panel will have delegated powers to hear complaints, set out its terms of reference and procedures, hear individual appeals, make recommendations on policy as a result of complaints. The panel can be drawn from the nominated members and may consist of three or five people. The panel may choose their own Chair.

The complainant is entitled to attend the Panel hearing and to be accompanied and should notify the clerk in advance if they will be bringing anyone else in advance. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

The hearing will take place in private and representatives from the media are not permitted to attend.

#### THE REMIT OF THE COMPLAINTS APPEAL PANEL

No Panel member will have any former knowledge or involvement in the matter that is being dealt with at that time. All Panel members will be familiar with the complaints policy.

The Panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with at Stage 1 of the procedure.

The panel can:

- 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 school's systems or procedures to ensure that problems of a similar nature do not recur.

#### THE ROLE OF THE CLERK

The department strongly recommends that any panel or group of governors considering complaints be clerked. The clerk would be the contact point for the complainant and be required to:

- set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
- collate any written material and send it to all parties in advance of the hearing (recommended at least five school days in advance)
- meet and welcome the parties as they arrive at the hearing
- record the proceedings by taking discursive minutes. Electronic recordings of the hearing will not normally be permitted and, in any event, would require the consent of all those present.
- notify all parties of the panel's decision within 15 days of the appeal hearing

The Clerk should share copies of the panel meeting minutes with all parties involved in the panel hearing, providing a reasonable opportunity for the minutes to be agreed or challenged.

## THE ROLE OF THE CHAIR OF THE PANEL

The Chair of the Panel has a key role, ensuring that:

- the remit of the panel is explained to the parties and each party has the opportunity of putting their case without undue interruption
- the issues are addressed
- key findings of fact are made
- parents and others who may not be used to speaking at such a hearing are put at ease
- the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- the panel is open minded and acting independently
- 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
- each side is given the opportunity to state their case and ask questions
- written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

## NOTIFICATION OF THE PANEL'S DECISION

The Chair of the Panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response (including the reasons for the decision); this is usually within 15 school days.

The panel's decision is final. If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or the school has acted unlawfully or unreasonably in the exercise of their duties under education law, the complainant 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 Governing body. They will consider whether the school 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.

## UNREASONABLY PERSISTENT, HARASSING OR ABUSIVE COMPLAINANTS

The Headteacher and governing body are fully committed to the improvement of our school. We welcome feedback from parents and will always try to resolve any concerns as quickly as possible. There is a procedure for parents to use if they wish to make a formal complaint. Whilst it is hoped that the above processes will address any concerns or complaints raised, it is recognised that there may be rare occasions when a complainant continues to be dissatisfied with the school and outcomes of the complaint's procedure.

This may sometimes, lead to parents or carers continuing to pursue complaints which have already been dealt with or in treating staff and others in a way that is unacceptable. We will not accept threatening or abusive behaviour towards any member of staff. This includes denigrating language and harassment of staff.

### **What do we mean by 'an unreasonably persistent complainant'?**

An unreasonably persistent complainant may be anyone who engages in unreasonable behaviour when making a complaint. This will include persons who pursue complaints in an unreasonable manner. Unreasonable behaviour may include:

- Actions which are out of proportion to the nature of the complaint, or persistent – even when the complaints procedure has been exhausted
- Using abusive or threatening language or making complaints in public or via social media
- Complaints deliberately targeted at one or more members of school staff in an attempt to embarrass or denigrate them.

### **WHAT DOES THE SCHOOL EXPECT OF ANY PERSON WISHING TO RAISE A CONCERN?**

The school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect
- respect the needs of pupils and staff within the school
- avoid threatening or abusive behaviour
- recognise the pressures staff work under and understand not all complaints can be dealt with immediately
- follow the school's complaints procedure.

### **VEXATIOUS COMPLAINTS**

A complaint may be considered vexatious where:

- it is obsessive, persistent, harassing, prolific, repetitious
- insists upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- insists upon pursuing meritorious complaints in an unreasonable manner
- it is designed to cause disruption or annoyance
- demands redress which lacks any serious purpose or value

The Headteacher or Chair of Governors can write to a complainant and refuse to consider their complaint if he or she feels that there are insufficient grounds to do so, if the complaint has already been considered at this stage or if it has been closed.



## UNREASONABLY PERSISTENT COMPLAINTS OR HARASSMENT

In cases of unreasonably persistent complaints (e.g. where a complainant attempts to re-open an issue which has already been dealt with under the complaints procedure) or harassment (e.g. where staff members are being specifically targeted by the complainant), the school may take some or all of the following steps:

- inform the complainant that the matter has already been dealt with and that either that stage of the policy has been exhausted or that the complaints procedure has been exhausted and the matter is considered closed. Where further correspondence is received on the same matter, this may be considered vexatious and the school will be under no obligation to respond to that correspondence.

The normal circumstance in which the school will not respond is if:

- the school has taken every reasonable step to address the complainant's needs, and the school's position has been clearly set out in writing together with the complainant's options
- the complainant is contacting the school repeatedly but making substantially the same points each time
- the complainant refuses to follow the complaints procedures
- the school reasonably believes the aim of the contact is to cause disruption or inconvenience
- that the complainant acts or communicates in an inappropriate way towards school staff.

Where the school determines this course of action, they will inform the Complainant in writing. However, the School will act reasonably where any new complaints are raised and enable the complainant to proceed through the complaints procedure as appropriate in respect of the same.

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable, and request a changed approach
- inform the complainant that, except in emergencies, the school will respond only to written communication
- In extreme matters refer the matter to outside agencies such as the Police.

## PHYSICAL OR VERBAL AGGRESSION

The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of such the school may:

Warn the individual about their conduct and the sanctions below which may be pursued;

- ban the individual from entering the school site, with immediate effect
- request an Anti-Social Behaviour Order (ASBO)
- prosecute under Anti-Harassment legislation
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

*Blessed Thomas Holford Catholic College Complies with Section 29 of the Education Act 2002*

Updated June 2021

Adopted by the Governing Body – June 2021