



# **EDITH STEIN** **CATHOLIC ACADEMY TRUST**

## **COMPLAINTS POLICY**

<b>APPROVED BY TRUSTEES</b>	<b>MARCH 2022</b>
<b>SCRUTINISED BY LOCAL GOVERNING BODY / LOCAL GOVERNING BODY SUB COMMITTEE</b>	<b>MARCH 2022</b>
<b>DATE LAST REVIEWED</b>	<b>MARCH 2022</b>
<b>MEMBER OF STAFF RESPONSIBLE</b>	<b>CHIEF EXECUTIVE OFFICER</b>
<b>STATUTORY / NON-STATUTORY</b>	<b>STATUTORY</b>



## **1.0 Introduction**

- 1.1 Edith Stein Catholic Academy Trust (ESCAT) prides itself on the quality of provision provided for students in its schools. In the Trust concerns raised are of a particular importance, particularly those raised by parents. As the first educators of their children, parents have a duty to take an active interest in their school. To this end “there must be the closest cooperation between parents and teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents or guardians and willingly listen to them” (Can. 796). Within the ESCAT and its schools therefore, dealing with concerns is an intrinsic part of our mission.
- 1.2 A climate of openness and partnership is essential. The Trust takes all concerns and complaints seriously and is committed to seek to resolve any matter raised in a positive way and make any identified improvements.

## **2.0 Scope and Purpose of this Policy and who it applies to**

- 2.1 This policy applies to all concerns and complaints made about or against the Trust and its schools about any provision of its facilities or services provided with the following exceptions for which there are separate procedures:
- Admissions to schools within the Trust;
  - Exclusions from Trust schools;
  - Statutory Assessment of Special Educational Needs (“SEN”);
  - School re-organisation proposals;
  - Matters likely to require a child protection investigation;
  - Employee grievances;
  - Whistleblowing matters;
  - External examination results;
  - Complaints about services provided by external bodies using one of the school’s premises or facilities
- 2.2 A “concern” is as an “expression of worry or doubt over an issue considered to be important for which reassurances are sought.” At a school level parents should feel free to raise their concerns with a class teacher, form tutor or other appropriate member of staff by telephone or in writing or by an appointment in person.
- 2.3 A “complaint” is an “expression of dissatisfaction about actions taken or lack of action.” A complaint could be raised against the action of a school or a policy developed by or endorsed by the Trust.
- 2.4 Taking informal concerns seriously at the earliest stage reduces the numbers that develop into formal complaints. We aim to ensure that concerns are handled, if at all possible, without the need for formal procedures. Our formal complaints procedure is only necessary if efforts to resolve the concern informally are unsuccessful.
- 2.5 The policy recognises that a concern or complaint could be raised, in relation to the actions of an individual, policy or process or procedure related to the Trust (ESCAT) or a school within the Trust.

## **3.0 General Principles**

3.1 This Policy will:

- i. aim to balance the rights and responsibilities of students, parents and school or Trust staff and to recognise the responsibilities resting within each of these
- ii. encourage resolution of problems by informal means wherever possible;
- iii. be easily accessible and publicised;
- iv. be simple to understand and use;
- v. be impartial and non-adversarial;
- vi. enable swift handling of concerns and complaints within established time-limits for action and ensure complainants are kept informed of the progress of their complaint;
- vii. ensure a full and fair investigation by an independent person where necessary;
- viii. provide respect for a complainant's desire for confidentiality;
- ix. address all the points at issue and provide an effective response and appropriate redress, where necessary;
- x. provide information to the school's Senior Leadership Team, Trustees and Governors so that services can be improved,

3.2 A complaint is not part of any staff disciplinary process and staff who may be interviewed as part of the investigation will be treated fairly and have an opportunity to state their case.

3.3 Trustees, Governors and staff will be offered support in dealing with any investigation into a complaint. Any Trustee, Governor or member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response as a result of the investigation. Any disciplinary procedures that may arise from the investigation will be dealt with separately under the school's Policy and associated procedures. Disciplinary action will not be disclosed to the complainant.

## **4.0 Investigating Complaints**

4.1 When investigating a complaint, the person carrying out the investigation will:

- i. Not be tainted by previous information related to the complainant;
- ii. Establish what has happened so far, and who has been involved;
- iii. Clarify the nature of the complaint and what remains unresolved;
- iv. Meet with the complainant or contact them (if further information is necessary);
- v. Clarify what the complainant feels would put matters right;
- vi. Interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- vii. Conduct the interview with an open mind and be prepared to persist in the questioning;
- viii. Keep notes of the interview.

Whilst this policy sets out who may investigate a complaint, it is important that they are independent, therefore within the spirit of the policy other persons, not described in the policy may be asked to undertake the role of investigating officer.

## **5.0 Resolving Complaints**

5.1 At each stage in the procedure the school will endeavour to resolve the complaint; it may be sufficient to acknowledge that the complaint is valid in whole or in part and in addition, to offer one or more of the following:

- i. An apology, where this is necessary it will be given on behalf of the Trust or school even if it pertains to the action of an individual

- ii. An explanation;
  - iii. An admission that the situation could have been handled differently or better;
  - iv. An assurance that the event complained of will not recur;
  - v. An explanation of the steps that have been taken to ensure that it will not happen again;
  - vi. An undertaking to review policies and procedures in light of the complaint.
- 5.2 Complainants are encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.
- 5.3 An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.
- 5.4 There may be occasions where the Trust or school identifies an issue prior to a concern or complaint being raised. The Trust or school may issue an apology at this stage to the effected parties or individuals. Should an individual then wish to pursue the matter unreasonably this will be managed as a vexatious complaint.

## **6.0 Concerns and Complaints against The Trust (ESCAT)**

### **6.1 Raising a concern against the Trust**

Parents or other parties are welcome to discuss any concern they have about Trust policy, procedure or business. This concern should be brought to the attention of the Trust. It can be helpful at this point to identify what sort of resolution is sought. The Clerk to the Trust will write back to the individual acknowledging the concern, stating that it will be managed by the Trust or, if relevant, because it is a school-based matter, a headteacher in one of the Trust schools.

The Chair of Trustees will respond to the concern within ten days of the Clerk's acknowledgement. The response will either answer the concern or indicate what action the Trust needs to take to address the issues raised. Further correspondence may be necessary.

### **6.2 Raising a complaint against the Trust: Stage 1 Procedure**

If a complainant wishes to raise a complaint against ESCAT then this must be made in writing using the Complaints Form (see Appendix 1) and submitted to the person named on the form. The clerk will acknowledge receipt of the form within three working days.

The complaint will be dealt with by a Trustee (Trustee investigating officer) independent of any detailed knowledge of any previously raised concerns if that is relevant.

The Trust will consider whether it is appropriate to seek legal advice in relation to the complaint and where appropriate do so through the Trust's legal advisors. In these circumstances, the Chair will inform the Catholic Dioceses of Portsmouth that legal advice is being sought.

In considering the complaint, if the Trustee investigating officer realises that it will be difficult to maintain impartiality, then the Trust will seek advice from the Catholic Diocese of Portsmouth. The Trust and the school must respect the views of a complainant who indicates that he/she would have difficulty discussing the detail of the complaint or does not want to be used as a witness. If insufficient evidence can be found in relation to the complaint then this will be noted by the investigating officer.

In the event of a formal complaint being made against the Chair of Trustees, The Trust should seek guidance on this process from the Diocese Educational Officer. The Trust will direct the CEO to form an independent panel of three people with the necessary experience to review the complaint. The Committee will decide if the complaint has merit by reviewing the written information and will make any recommendations it feels appropriate to enable resolution of the matter. The outcomes will be communicated in writing within ten working school days to both sides by the Chair of the Panel, with reasons for the outcomes given. Under this complaints procedure there is no further stage for a complaint against the Chair of Trustees.

A formal complaint against a Trustee other than the Chair should be referred to the Chair, who will investigate and then decide on any appropriate action. In extreme cases this might include making a recommendation about possible suspension.

### **6.3 Raising a complaint against the Trust: Stage 2 Procedures, complaint Heard by independent panel**

If a complainant is not satisfied with the outcome of a Stage one hearing from the Trust, then they should write to the Chair of Trustees within ten school days of receiving the outcome letter, stating that they are seeking an appeal of the outcomes and the reasons why.

The Chair of Trustees will convene an independent Appeals Panel and the appeal will be heard at a private meeting, co-ordinated by the Clerk to Trustees.

The aim of the meeting should be to resolve the complaint and achieve reconciliation between the Trust and the complainant. It must however be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously and dealt with in accordance with the Complaints Policy and Procedure.

### **6.4 Further Action**

Following a decision made by the Appeal Panel, the complainant has no further right of appeal within the Trust procedures. The complainant may also contact the Education Funding Agency (EFA) via the process outlined in the link below.

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school/complaints-free-schools-academies>

The EFA cannot change the decision the Trust has made about a complaint though they can look at whether a Trust has dealt with complaint in line with legal requirements.

If the EFA upholds a complaint against a school it can do one or both of the following:

- i. ask the Trust to reconsider the complaint from an appropriate stage;
- ii. ask the Trust to change its complaints procedure so that it complies with legal requirements.

## **7.0 Procedures for Raising / Dealing with a Concern against a Trust School**

- 7.1 Any person who has a concern should make contact with the appropriate member of staff to discuss the nature of the concern. The issue raised could relate to something specific, for example marking of books to something holistic for example the application of an academy policy. If the member of staff cannot deal with the matter immediately he/she should make a clear note of the date, name and contact details of the parent/carer and agree a convenient time to make contact.

- 7.2 The member of staff should discuss details of the person's concern and try to identify what action/outcome the person is looking for and seek to resolve the matter informally through direct discussion. The member of staff may include a more senior member of staff in the discussions, if this is thought to be appropriate.
- 7.3 If no satisfactory solution can be found then the person may wish to proceed through the formal complaints procedure.

## **8.0 Procedures for Raising / Dealing with Complaints**

### **8.1 Outline**

- 8.1.1 There are two School-based stages which are likely to be sufficient for resolving most complaints:
1. Stage 1: formal complaint heard by the Headteacher.
  2. Stage 2: complaint heard by members of the Local Governing Body sitting as an Appeal Panel.
- 8.1.2 It would be expected that the complainant has sought to resolve the complaint via Stage 1 prior to proceeding to Stage 2.
- 8.1.3 When moving to Stage 2 the Clerk to Governors will co-ordinate the appeal.
- 8.1.4 Where the complaint concerns the Head or a member of the Local Governing Body or a matter relating to the Academy Trust's business, the matter will be referred to the Chair of the Trust's Board of Directors.
- 8.1.5 If a complainant makes direct complaint to the Governing body and it is relevant to manage this under Stage 1 of the procedure it will be passed back to the school
- 8.1.6 Governors or Directors must not act unilaterally to consider an individual complaint outside the formal procedure, be involved at the early stages of the complaint or discuss the matter with other Governors or Directors as they may be required to sit on an Appeal Panel at a later stage of the procedure. If they have any concerns about the procedure to adopt they should seek advice from the Company Secretary.
- 8.1.7 An Appeal Panel hearing is the last school-based stage of the complaints process and is not convened to merely rubber-stamp previous decisions. All 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 162A of the 2002 Act requests access to them.
- 8.1.8 The Clerk to Governors is responsible for holding records centrally.
- 8.1.9 Complaints need to be considered, and resolved, as quickly and efficiently as possible; however, where further investigations are necessary, new time limits can be set. In this eventuality the complainant will be sent details of the new deadline and an explanation for the delay.

### **8.2 Stage 1 Procedure: Formal Complaint heard by the Headteacher/Investigating Officer**

- 8.2.1 Stage 1 formal complaints should be made in writing using the School's Complaints Form (see Appendix 1) and submitted to the person named on the form.

- 8.2.2 The school will acknowledge receipt of the complaint within three school days. The written acknowledgement should give an explanation of the Complaints Policy and Procedure and a target date for providing a response to the complaint, which would normally be within ten school days. If this proves impossible, a letter will be sent explaining the reason for the delay and giving a revised target.
- 8.2.3 The school will consider whether it is appropriate to seek legal advice in relation to the complaint and where appropriate do so through the Academy Trust's legal advisors. In these circumstances, the Head will immediately inform the Trust's Chief Chair of the relevant Local Governing Body of the detail of the complaint and that legal advice is being sought.
- 8.2.4 In considering the complaint, if the Head realises that it will be difficult to maintain impartiality then the Chair of Governors will hear the complaint. The investigating officer will be another member of the Senior team. In all circumstances the investigating officer, normally the Headteacher, will provide an opportunity for the complainant to meet him to provide any further information to the complaint. Depending on the nature of the complaint, statements from witnesses may be required. The Head may delegate the task of collating the information from the complainant and witnesses to another staff member, but must take the decision on the action to be taken as a result. The Trust and the school must respect the views of a complainant who indicates that he/she would have difficulty discussing the detail of the complaint or does not want to be used as a witness. If insufficient evidence can be found in relation to the complaint then this will be noted by the investigating officer.
- 8.2.5 If the complaint centres on a student, the student may also be interviewed. When students are interviewed in a formal situation, his/her parent/carer ought to be present. If this is not possible, then a member of staff who is known and trusted by the student and in agreement with the student and parent/carer should be invited to attend. If the complaint is between a student and a member of staff the member of staff has the right to have their representative at any formal meeting with a student. They may not question the student but through the investigating officer may ask for clarification.
- 8.2.6 In the event of a formal complaint being made against the Chair of Governors, the complaint will be reviewed by a grievance panel consisting of two governors and an independent and suitably qualified person. The school should seek guidance on this process from the Diocese Educational Officer. The Committee will decide if the complaint has merit by reviewing the written information and will make any recommendations it feels appropriate to enable resolution of the matter. The outcomes will be communicated in writing within ten working school days to both sides by the Chair of the Panel, with reasons for the outcomes given.
- 8.2.6.1 The Review should normally take place within ten working school days of receipt of the request. If this is not possible, the complainant will be informed of the review date.
- 8.2.6.2 Under this complaints procedure there is no further stage for a complaint against the Chair of Governors.
- 8.2.7 A formal complaint against a governor other than the Chair should be referred to the Chair, who will investigate and then decide on any appropriate action. In extreme cases this might include making a recommendation to the Governing Body about possible suspension.
- 8.2.8 At the end of any meeting/conversations with the complainant or witnesses, the member of staff conducting the interview should ensure that the interviewee has the same understanding of what was discussed and agreed. Written records of all meetings and telephone conversations should be recorded, together with any correspondence or other relevant documents. The Complaints Co-ordinator will be responsible for the records and will hold them centrally.

8.2.9 When all of the relevant facts have been established, the Head/Chair of Governors should produce a written response to the complainant. The written response should include a full explanation of the decision and the reasons for it. Where appropriate, this should include any action the school will take to resolve the complaint. The complainant should be advised that if they wish to take the matter further, they should notify the Chair of the Local Governing Body within ten school days of receiving the outcome letter.

### **8.3 Stage 2 Procedures: Complaint Heard by the Local Governing Body's Appeal Panel**

8.3.1 If a complainant is not satisfied with the outcome of a Stage 1 hearing, then they should write to the Chair of the Local Governing Body within ten school days of receiving the outcome letter, stating that they are seeking an appeal of the outcomes and the reasons why.

8.3.2 The Chair, or a nominated governor, will direct that an Appeal Panel be convened and that the appeal be heard at a private meeting, co-ordinated by the Clerk to the Local Governing Body.

8.3.3 Members of the Appeal Panel should include an individual independent of the school and two other governors who have not been directly involved in the matters detailed in the Stage 1 hearing.

8.3.4 The Panel members need to be aware of the provisions of the Complaints Policy and Procedure.

8.3.5 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. It must however be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously and dealt with in accordance with the Complaints Policy and Procedure.

8.3.6 Appendix 3 outlines the roles and responsibilities of the Appeal Panel members.

## **9.0 Investigations by the Appeal Panel**

9.1 Upon receipt of a written request by the complainant for their complaint to proceed to stage two, the procedures outlined below should be followed.

9.2 The Chair of the Local Governing Body or the Local Governing Body Clerk should write to the complainant to acknowledge receipt of the written request within three school days. The acknowledgement should inform the complainant that the Local Governing Body will set up an Appeal Panel, who will hear the complaint within twenty school days.

9.3 The Clerk to the Local Governing Body should convene a meeting of the Appeal Panel within the agreed timescales. Failure to convene an Appeal Panel within this time will not invalidate the Panel's decision. The Clerk should be responsible for making all the arrangements for the meeting, including the time and place. The complainant, Head, any relevant witnesses and members of the Appeal Panel should be informed at least five school days in advance of the date, time and place of the meeting. The notification to the complainant should also inform him/her of the right to be accompanied at the meeting by a friend/advocate/interpreter. The letter should also explain how the meeting will be conducted.

9.4 The Head or investigating officer should be invited to attend the Appeal Panel meeting and to prepare a written report for the Panel in response to the complaint. Any relevant documents, including the Head's report, and any documentation supplied by the complainant should be received by all concerned, including the complainant, at least five school days prior to the meeting.



- 9.5 The Appeal Panel should elect a Chair for the meeting. The meeting should be appropriately minuted.
- 9.6 The Panel should try to ensure that the meeting is not too formal or intimidating for those involved. All should be told the names of everyone present and have the procedure explained to them at the beginning of the meeting.
- 9.7 The meeting should allow:
- i. The complainant (or his/her representative) to explain his/her complaint(s) and the Head/investigating officer to explain the School's response.
  - ii. The complainant to question the Head/investigating officer and/or other members of staff about the School's response, and the Head/investigating officer to question the complainant about the complaint.
  - iii. Panel members to have an opportunity to question the complainant, the Head/investigating officer and any witnesses, as appropriate.
  - iv. Final statements to be made by both the Head/investigating officer and the complainant.
- 9.8 The Panel should then consider the complaint and all the evidence presented, (without the presence of the complainant, the Head/investigating officer or any witnesses) and reach a majority decision on the complaint which may include dismissing the complaint in whole or in part or upholding the complaint in whole or in part.
- 9.9 The Panel will then decide upon the appropriate action to be taken to resolve the complaint in line with the procedure.
- 9.10 Where appropriate, recommend changes to the School's systems or procedures to ensure that problems of a similar nature do not happen again. Recommendations should be reported to the Local Governing Body and the Academy Trust at an appropriate time.
- 9.11 Where appropriate to do so, recommend any further action.
- 9.12 The Clerk to the Local Governing Body should send the complainant, the Head and Chair of Governors a written statement outlining the decision of the committee within five school days of the meeting. The complainant should be informed of the process of contacting the Trust or the EFA should they feel that the correct procedures for responding to the complaint have not been followed or that their rights have been breached.
- 9.13 Copies of all correspondence should be kept on file in the Governors' records.

## **10.0 Further Action**

- 10.1 Following a decision made by the Appeal Panel, the complainant has no further right of appeal within the school-based procedures, except where they consider that the process followed by the Appeal Panel has been unfair. If this is the case, the complainant can write to the Chair of the Trust to conduct a review to ensure that reasonable procedures have been followed, (as set out in this policy), that the complainant has been treated fairly and that there has been no breach of statutory regulations.
- 10.2 The complainant may also contact the Education Funding Agency (EFA) via the process outlined in the link below.  
<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school/complaints-free-schools-academies>
- 10.3 The EFA cannot change the decision a school has made about a complaint though they can look at whether a school has dealt with complaint in line with legal requirements.

- 10.4 If the EFA upholds a complaint against a school it can do one or both of the following:
- i. ask the School to reconsider the complaint from an appropriate stage;
  - ii. ask the School to change its complaints procedure so that it complies with legal requirements.

## **11.0 Vexatious or Persistent Complaints**

- 11.1 If properly followed, the complaints procedure will limit the number of complaints that become protracted; however, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. See Appendix 2 for further information related to Vexatious complaints.
- 11.2 If the complainant tries to reopen the same issue, the Chair of the Local Governing Body will be able to inform them, in writing, that the procedure has been exhausted and that the matter is now closed. The school can consider legal action against Vexatious or Persistent Complaints.

## **12.0 Local Governing Body and Trust - Complaints Monitoring**

- 12.1 The Local Governing Body and Trust will monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Complaints information shared with the Local Governing Body will not name individuals.
- 12.2 As well as addressing an individual's complaint, the process of listening to and resolving complaints will contribute to School improvement. When individual complaints are heard, the school will identify any underlying issues that need to be addressed.
- 12.3 The Trust will review overall School complaints annually.

## **13.0 Publicising the Procedure**

- 13.1 Details of the Complaints Policy and Procedure are included in:
- i. The Trust website
  - ii. The information given to new parents/carers when their children join a school;
  - iii. The school website

# Appendix 1

## Complaint Form

Please complete and return as appropriate.

<b>Is this a complaint against the Trust?</b>	<b>Y / N</b>	Please return form to Clerk to the ESCAT Trustees, c/o Oaklands Catholic School <a href="mailto:c.colley@oaklandscatholicschool.org">c.colley@oaklandscatholicschool.org</a>
<b>Is this a complaint against a Trust school?</b>	<b>Y / N</b>	Please return to the Headteacher at the appropriate school
<b>Name of Trust School</b>		
<b>Your name:</b>		
<b>Pupil's name:</b>		
<b>Your relationship to the pupil:</b>		
<b>Address:</b>		
<b>Postcode:</b>		
<b>Telephone number:</b>		
<b>Please give details of your complaint.</b>		
<b>What action, if any, have you already taken to try and resolve your complaint.</b>		
<b>Who did you speak to and what was the response?</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>		

**Signature:**

**Date:**

## Appendix 2

- A2.1 The Trustees, governing body and school are fully committed to the improvement schools in the Trust. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. The procedure in the policy indicates how parents can follow up any concerns they have.
- A2.2 Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.
- A2.3 The aim of this Appendices is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.
- A2.4 What do we mean by ‘an unreasonably persistent complainant’?
- A2.4.1 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.
- A2.4.2 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, or
  - personally harassing, or
  - unjustifiably repetitious
- A2.4.3 Unreasonable behaviour may also include an insistence on:
- pursuing unjustified complaints and/or
  - unrealistic outcomes to justified complaints
  - pursuing justifiable complaints in an unreasonable manner (eg using abusive or threatening language; or
  - making complaints in public or via a social networking site such as Facebook; or
  - refusing to attend appointments to discuss the complaint.
  - making or directing inappropriate comments at or to student, parents or staff.
- A2.5 What is ‘harassment’?
- A2.5.1 We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.
- A2.5.2 Behaviour may fall within the scope of this policy if:
- it appears to be deliberately targeted at one or more members of school staff or others, without good cause;
  - the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to Trust, school staff or others;
  - it has a significant and disproportionate adverse effect on the Trust or school community.

A2.6 What does the Trust and school expect of any person wishing to raise a concern?

A2.6.1 The Trust and 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; keep communication to a reasonable and proportionate length;

- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- follow the school's complaints procedure.

A2.7 **Schools' responses to unreasonably persistent complaints or harassment**

A2.7.1 This Appendix is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

A2.7.2 However, in cases of unreasonably persistent complaints or harassment, the school may take some or all of the following steps, as appropriate:

- 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 in writing that the school considers his/her behaviour to fall under the terms of the Unreasonably Persistent Complaints/ or Harassment;
- require all future meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be required to be channelled through the Local Authority.

A2.8 **Physical or verbal aggression**

A2.8.1 The governing body will not tolerate any form of physical or verbal aggression against members of the school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- Request a civil injunction, Community Protection Notice (CPN) or Criminal Behaviour Order (CBO) for antisocial behaviour.
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

A2.9 Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the terms of this policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

## Appendix 3

### Roles and Responsibilities of Appeal Panel Members

A3.1 The panel should aim to:

- Uphold or dismiss the complaint, either in whole or in part
- Decide on how the complaint should be resolved (if upheld)
- Where relevant recommend changes to the school or Trust's systems to prevent similar issues in future

A3.2 The panel should consider every aspect of the complaint, not just how the complaint was handled in earlier stages. If the complaint is escalated to the DfE, it will consider how the complaint was handled overall.

#### A3.3 **Impartiality**

A3.3.1 Panels at all levels should be made up of individuals who are impartial, that is they have no prior involvement or knowledge of the complaint. They will nominate a panel Chair between them. Where possible the number of individuals hearing the complaint should be odd so there can't be a tied decision.

A3.3.2 If the Chair of Governors or Chair of Trustees is 'contaminated' by previous knowledge of the complaint then they must not be involved.

A3.3.3 If there are not impartial Governors or Trustees available, the school or Trust will approach the Local Authority or Diocese.

#### A3.4 **Time and date**

A3.4.1 The clerk will set the date, time and venue of the meeting. They will then make sure the date of the meeting is convenient to all parties and that the venue and proceedings are accessible (see more about the clerk's role later).

A3.4.2 There is no requirement for Complaints Appeal Panels to meet at a time requested by the complainant. However, Governors and Trustees should be conciliatory and aim to find the middle ground between the needs of the complainant and the panel. If a complainant can't make the proposed time then it is reasonable to offer an alternative date

A3.4.3 If the complainant rejects the offer of three proposed dates without good reason then the clerk will decide when to hold the meeting. It will then proceed using written submissions from both parties, if the complainant can't make the date.

A3.4.4 Complaints do not have to be held over holidays though they are required to be handled as quickly as reasonably possible. Complaints Panels have leeway to determine the time-frame to hear a complaint so long as the decision is:

- Lawful - it complies with education and other law, including human rights and equality law, such as the Human Rights Act 1998 and the Equality Act 2010
- Rational
- Reasonable
- Fair
- Proportionate

A3.4.5 It is a reasonable position that any complaints made at the end of term should be postponed until the start of the next term, so staff are not required to work over their holidays.

### **A3.5 The meeting protocols**

A3.5.1 The Chair sets the tone of the meeting. They make sure:

- The meeting is informal, not adversarial, and that everyone is treated with respect
- Complainants are put at ease in the meeting, particularly if it is a child
- The panel is open-minded and acts independently

A3.5.2 The panel members need to follow the Chair's lead, and remember that:

- The aim of the meeting is to resolve the complaint and achieve reconciliation between the school and the complainant
- Many complainants will feel nervous and inhibited in a formal setting
- Parents/carers often feel emotional when discussing an issue that affects their child
- Where a child is involved, their welfare is paramount

A3.5.3 To make sure this happens, all panel members should:

- Take extra care when a child is present in the meeting
- Respect the views of the child and give them equal consideration to those of adults
- Where the child/young person is the complainant, ask them if they need any support to help them present their complaint
- Where the child's parent is the complainant, give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend (this might not be possible if the panel doesn't think it's in the child's best interests)

A3.5.4 The chair makes sure procedure is followed

Before the meeting, the chair will make sure:

- That all parties are asked to provide additional information about the complaint by a specified date before the meeting
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- There is someone available to minute the meeting
- They liaise with the clerk and complaints co-ordinator

A3.5.5 They make sure procedure is followed, ensuring that:

- The remit of the panel is explained to the complainant
- Everyone in the meeting sees any written material (as long as this doesn't breach confidentiality of Data Protection legislation)
- The meeting is adjourned for a short period of time if new issues arise, to allow everyone to consider it
- All parties are able to make their case and seek clarity, either through written submissions before the meeting, or verbally in the meeting itself
- You address the necessary issues
- You establish the key findings of fact

### **A3.6 Procedure for the meeting**

1. The Chair opens the meeting and explains the procedure to be followed
2. The complainant (or representative) can present their case, including calling any witnesses
3. The school, academy or trust presents its case, including calling any witnesses
4. The school, academy or trust sums up its defence
5. The complainant sums up their case and explains what they want to happen as a result of the complaint
6. All parties withdraw
7. The panel considers the parties' cases and makes a decision
8. With the clerk, the panel drafts a decision letter

### **A3.7 Conducting the interviews**

A3.7.1 It is important for both parties to hear what the other has said, rather than the panel having to relay this in its own words. However, the panel may wish to interview both parties separately if it decides that's more appropriate.

A3.7.2 When interviewing witnesses the panel may wish to consider

1. Issues related to confidentiality
2. How to Keep witnesses from being influenced by other witnesses' testimony

A3.7.3 In order to keep the procedure non-confrontational, any questions in the meeting should come from the panel rather than the parties involved.

A3.7.4 If either the complainant or the school, academy or trust has questions to ask about the evidence, they should submit those questions to the panel ahead of the meeting. If a matter arises during the meeting all parties can ask for an adjournment after which they can submit questions to the panel.

### **A3.8 Additional responsibilities of the clerk**

A3.8.1 The clerk is the panel's point of contact

A3.8.2 The clerk should:

- Be the point of contact for everyone involved
- Make sure all people involved are aware of their legal rights and duties relating to the complaints procedure (including education law, the [Equality Act 2010](#), the [Freedom of Information Act 2000](#), and GDPR)
- Set the date, time and venue of the meeting, making sure it's convenient to all parties and that the venue and proceedings are accessible
- Collate any written material relevant to the complaint and send it to the parties before the meeting within an agreed timescale
- Record the proceedings
- Circulate the minutes of the meeting afterwards
- Notify all parties of the panel's decision