

Date ratified at Full
Board Meeting
9 December 2019

Review
Audit Committee

St John the Baptist



Catholic Multi Academy Trust

THE MAT MISSION STATEMENT

Our family of schools is united in the belief that God's love, peace, truth, and joy is for all. We are dedicated to the achievement of excellence in all we do. We cherish the uniqueness of each of our school communities and celebrate together as one Trust family. By following Jesus' example we bear witness to the greatness of God.

'To think, to feel, to do' Pope Francis

St John the Baptist Catholic MAT

Company No: 7913261

Registered Office: Surrey Street, Norwich NR1 3PB

PROCEDURE FOR COMPLAINTS



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A Procedure for handling concerns and complaints

St John the Baptist Catholic MAT

1. Aims

We want our pupils to be healthy, happy and safe, and to achieve. St John the Baptist Catholic MAT recognises that parents, guardians or carers play an essential part in making this happen. Cooperation between pupils, parents, staff, LGBs and Directors leads to a shared sense of purpose and a good atmosphere in each school.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Ensure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

Each level of the procedure set out below offers the opportunity for concerns and complaints to be resolved as quickly as possible.

Overall management of this policy is undertaken by the MAT Operations Manager, who is the named contact with respect to complaints escalated to the Directors, Trust Board or MAT Trustees.

2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to [the Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”.

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”.

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally.

This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Arrangements for handling complaints from parents of children with SEN about the school's support are within the scope of this policy. Such complaints should first be made to the Headteacher; they will then be referred to this complaints policy. Each school's SEN policy and information report includes information about the rights of parents of pupils with disabilities who believe that our school has discriminated against their child.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

4. Roles and responsibilities

4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Treat all those involved with respect
- Not publish details about the complaint on social media

4.2 The investigator

An individual will be appointed to look into the complaint, and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely
- Prepare a comprehensive report to the headteacher or complaints committee which includes the facts and potential solutions

4.3 Clerk to the governing board

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

4.4 Committee chair

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

5. Principles for investigation

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the next school day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

5.2 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing enquiries@ofsted.gov.uk. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

6. Stages of complaint (not complaints against the headteacher or a governor)

Level 1 – informal

Anyone with a concern should, in the first instance, make an appointment to speak to the relevant class teacher, Head of Department or the Head of Year about the concern, depending on the nature of the concern. It is best to resolve issues at this point.

The school will acknowledge informal complaints within 5 school days, and investigate and provide a response within 15 school days.

Guidance on informal level 1:

- *Concerns should initially be handled informally in a manner that offers the best way of resolving issues.*
 - *A class teacher, Head of Department or Head of Year should offer an appointment to discuss the issue as quickly as possible, as this will give both parties time to talk about it calmly and politely without being interrupted. This can allow parties to remain calm. It will also show a commitment to resolving issues.*
 - *It is important for parents to recognise that schools are busy organisations and that it may not be possible to offer an appointment straight away.*
 - *The parties involved should be encouraged to offer their view of what would be a realistic resolution to the problem.*
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Level 2 - informal

Anyone dissatisfied with the result of the discussions with the class teacher, Head of Department or Head of Year should ask for an appointment to meet with the Headteacher or a member of the Leadership Team, a Deputy Headteacher or Assistant Headteacher. School staff will meet with the complainant as soon as possible, and in any event, within 10 school days of the request for a meeting.

If an appointment is requested with the Headteacher the Headteacher may, at their discretion and dependent on the gravity of the complaint, advise that the matter be more appropriately delegated at this point to a member of the Leadership Team, a Deputy Headteacher or Assistant Headteacher.

If a resolution to the issue is proving difficult to find, the Headteacher, a member of the Leadership Team, a Deputy Headteacher or Assistant Headteacher can speak to a member of the Local Governing Body (LGB) about the issue who may be willing to offer informal intervention. However, there is no obligation on any Governor to become involved at this level.

Guidance on informal level 2:

- *It is always best to resolve issues informally at the earliest possible time but if the person is not satisfied with the result of the talk with the teacher, Head of Department or Head of Year then he/she can ask for an appointment to meet with the Headteacher or a member of the Leadership Team, a Deputy Head or Assistant Headteacher.*
- *It is in everyone's interest, particularly the child or children, for concerns and complaints to be sorted out quickly and smoothly.*
- *The aim should be that discussions end on a positive note with no bad feeling.*
- *It is good practice for Headteachers or member of the Leadership Team, a Deputy Head or Assistant Headteacher to write a letter to parents summarising what has been agreed regarding the issue.*
- *The Headteacher, a member of the Leadership Team, a Deputy Head or Assistant Headteacher may feel that a particular Governor's input would be helpful in bringing about a resolution but there is no obligation on any Governor to become involved at this level.*

It is hoped that most problems will have been resolved by now.

Level 3 – formal complaint letter to Headteacher (or Head of School or Executive Head as appropriate)

An issue that has not been resolved through the informal levels 1 and 2 can become an official complaint.

Anyone wishing to move to level 3 must write a formal letter of complaint to the Headteacher. The letter will need to set out clearly the issues which have previously been discussed and why the parent, carer or guardian considers the issue to be unresolved. This letter should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

A person with a complaint should use the template form in Annex B of this policy.

The Headteacher may appoint an investigating officer to make enquiries on their behalf about the matter.

The Headteacher should consider the complaint and discuss a resolution with the complainant. The Headteacher should offer a resolution to the complainant in writing within 15 school days of receipt of the official complaint letter.

It is important to be aware that the decision that the Headteacher has made as a result of the complaint does not become a new complaint about the Headteacher.

Therefore any subsequent referral to a Level 4 Formal LGB Complaints Panel is to review the original complaint, and does not form a complaint against the Headteacher.

Guidance on level 3- formal:

- An unresolved issue may now move to a formal complaint. This is a serious step to be taken. In consideration of future home/school relationships everyone concerned will need to negotiate an agreement and concentrate on finding a resolution to the issue.*

Level 4 – formal complaint requesting a LGB Complaints Panel.

If the complainant feels the complaint has not been resolved he/she should proceed to Level 4, a LGB Complaints Panel.

If the concern or complaint is specifically about the Headteacher and has not been resolved at the informal stage, then it will be necessary for the complainant to formally complain to the Chair of the Local Governing Body (LGB).

The School or MAT Operations Manager will provide the Chair of LGB's name and the complainant should write to the Chair of the LGB at the school address, marking the envelope 'urgent, private and confidential'. The formal complaint letter must be received within 10 school days of the last meeting with the Headteacher concerning

the issue. The letter will need to set out the complaint and show why the matter is not resolved. A template form is included as Annex B of this policy.

The Chair of the LGB should acknowledge the complainant's letter in writing within 5 school days of receipt, and may consider contacting external agencies for advice.

Time Scales:

Receipt of complainant's letter	Acknowledgement within 5 school days
Receipt of complainant's letter	LGB Complaints Panel meeting within 20 school days (unless this goes into school holidays)
Written documentation sent to LGB Complaints Panel Members and complainant, and Headteacher	5 school days before meeting.
LGB Complaints Panel members decision communicated to all concerned	As soon as possible but within 10 school days of meeting.

Before the meeting:

The Chair of the LGB should appoint a clerk to the Complaints Panel, acknowledge the complainant's letter in writing within 5 school days of receipt and arrange for a LGB Complaints Panel to meet within 20 school days of receipt to consider the complaint. The LGB Complaints Panel will comprise at least three Local Governors of the school who were not directly involved in the matters detailed in the complaint, and one individual who is independent of the management and running of the school. If the letter is received within 19 school days of the end of term it may not be possible to organise the LGB Complaints Panel meeting before the end of term. In this case the matter should be dealt with within 15 school days of the school reopening.

The Headteacher should be given a copy of the complainant's letter and written documentation should be requested from the school. The clerk should send both the complainant's letter and the school documentation to the LGB Complaints Panel members, complainant and Headteacher (and anyone else involved in the meeting) at least 5 school days before the date of the meeting.

The complainant and Headteacher will be invited to attend the LGB Complaints Panel meeting to give a verbal statement in support of their documentation. Each of them can bring someone to support them if they wish.

The complainant must have reasonable notice of the date of the review panel; however, the review panel reserves the right to convene at their convenience rather than that of the complainant. At the review panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

At the meeting:

The complainant and Headteacher (or their representative) should provide all the relevant information they wish and the LGB Complaints Panel members should clarify any points. After the complainant and the Headteacher (or their representative) have provided all the information they wish, the Chair will ask all parties to leave except the panel members and the clerk. The LGB Complaints Panel members will consider the complaint and the school's response and come to a decision regarding the issue(s).

Whilst it is hoped that such a situation does not occur, for the purposes of clarity, in the event of a 'split decision' the Chair has the casting vote.

After the meeting:

The LGB Complaints Panel will write to all concerned within 10 school days to explain their decision and suggest a resolution to the problem, if appropriate. The decision of the LGB Complaints Panel is final.

The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection on the school premises by the proprietor and the headteacher.

7. Complaints against the Headteacher, Head of School, Executive Head or a governor

Complaints made against the Headteacher should be directed to the chair of governors.

Where a complaint is against the chair of governors or any member of the governing board, it should be made in writing to the clerk to the governing board in the first instance. The same timescales as in the table above are applicable to such complaints.

Guidance on level 4 - formal:

Before the meeting:

- *The formal complaints letter should be passed to the Vice-Chair if the Chair will be unable to receive the letter within 5 days.*

- *Members of the LGB Complaints Panel should have no prior knowledge of the complaint and it is, therefore, unlikely that staff Governors will be members of the panel.*
- *The LGB Complaints Panel will normally be formed from members of the Local Governing Body of the school. When needed the LGB Complaints panel may include members from other LGBs within the MAT, at the request of the Chair of the LGB, to ensure the panel is able to be properly composed or to meet within a reasonable time scale or to ensure no prior knowledge of the complaint.*

At the meeting:

- *The Complaints Panel must be made up of at least three local governors, a member who is independent of the running and management of the school, with a clerk in attendance.*
- *Although this is a formal meeting, every effort should be made to make it as informal as possible for all concerned.*
- *Everyone attending should be in the room at the same time until the panel convene to consider their decision.*
- *Consideration may need to be given to the seating arrangements to make everyone feel equal and comfortable.*
- *The clerk should take notes of the meeting, listing who is present:*
 - Governors, stating who is the Chair of the LGB Complaints Panel*
 - The independent member of the panel*
 - Headteacher (or their representative) and any other members of school staff*
 - Parents and anyone accompanying them e.g. friend*
 - Clerk*
- *The chair of the LGB Complaints Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.*
- *People present should introduce themselves stating their reason for being at the meeting.*
- *The chair of the LGB Complaints Panel should request a verbal statement from the complainant in support of his or her written letter of complaint and why s/he feels the issue has not been resolved. The LGB Complaints Panel members can ask questions to make sure they understand the issue from the parent's point of view.*
- *The chair of the LGB Complaints Panel should request a verbal statement from the Headteacher (or his representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The LGB Complaints Panel members can ask questions to make sure they understand the issue from the Headteacher's point of view.*
- *The members of the LGB Complaints Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.*
- *The Chair of the LGB Complaints Panel must ask the complainant and the Headteacher (or his representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.*
- *When the LGB Complaints Panel members understand all the issues, the Chair will ask all parties to leave except the panel members and the clerk.*

After the meeting:

- *The LGB Complaints Panel members then discuss the issues in private and the clerk remains to record the decision.*
- *The Panel members will need to consider the information, come to a decision and suggest a way to resolve the issue taking into account the best interests of the child or children.*
- *When the Panel have reached a decision the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within 10 school days of the panel meeting.*

The decision of the LGB Complaints Panel is final.

Once a LGB Complaints Panel has heard a complaint, and it is clear that correct procedures have been followed, that specific complaint cannot be reopened by the LGB or by the Directors. If a request is received in this respect, the Chair of Directors should inform the complainant that the matter is closed.

Any complaints concerning the conduct of school staff will be handled in accordance with the schools internal disciplinary procedures. The details of such an investigation will remain confidential.

Persistent/Vexatious Complaints: This procedure is intended to limit the number of complaints that become protracted and ensure that all complaints are dealt with efficiently and speedily. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Local Governing Body and / or the Chair of Directors will inform them in writing that the procedure has been exhausted and that the matter is now closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience, and/or
- The individual's letters/emails/telephone calls are often or always abusive or aggressive, and/or
- The individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who are being difficult. Complainants can be frustrated and aggrieved and it is therefore important to consider the merits of the case rather than their attitude. Even though someone has made vexatious complaints in the past, it cannot be assumed that the next complaint is also vexatious. Each complaint must be considered as to whether it is vexatious or genuine. There is no way of avoiding evaluating each complaint.

8. Referring complaints on completion of the school's procedure

If a complainant is not satisfied that the complaint has been properly dealt with by the school, they may contact the Directors of the St John the Baptist Catholic MAT, who will review the LGB Complaints Panel Decision. Only if there are exceptional circumstances, such as undue delay or failure to follow the complaints procedures above correctly, would the Directors rerun Level 4 of the Complaints procedure above, with Directors replacing the Local Governing Body representatives.

If a complainant is still not satisfied that the complaint has been properly dealt with by the school or the MAT, they may contact the Education and Skills Funding Agency (ESFA). This acts on behalf of the Secretary of State for Education. Complaints about how the school or MAT has handled the original complaint should be made via the following webpage:

<https://www.gov.uk/complain-about-school>

Note that the ESFA will check whether the complaint has been dealt with properly by the school and MAT. The ESFA will not overturn a school's decision about a complaint. However, it will consider complaints about schools/academies regarding:

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

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

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

9. Record-keeping

The school will record the progress of all complaints, including information about actions taken at all stages, whether the complaint was resolved following a formal procedure or progressed to a panel hearing, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a Subject Access Request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

The school will maintain a record of the action it takes as a result of each complaint (regardless of whether the complaint was upheld).

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and for six years as a minimum, or longer as required.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing board is aware of the substance of the complaint before the review panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.

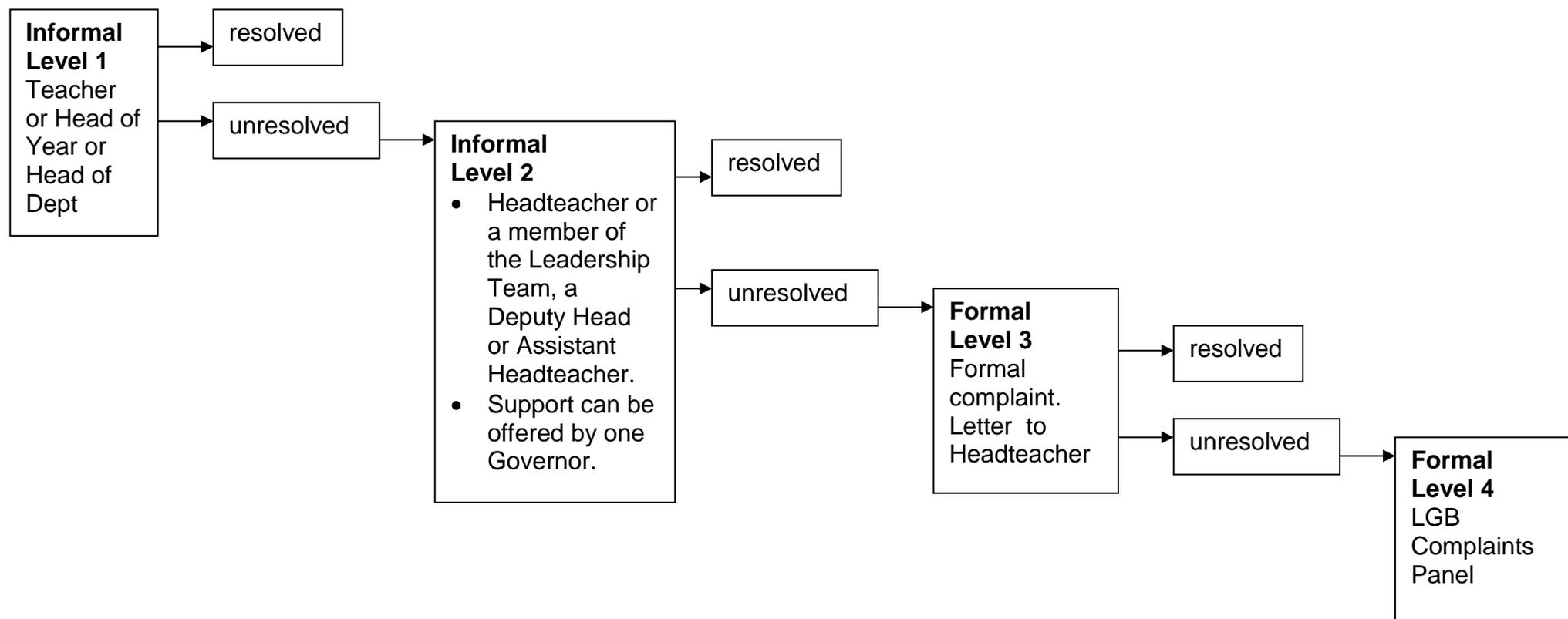
10. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Behaviour policy
- Code of Conduct policy
- Staff grievance procedures
- Staff disciplinary procedures

- SEN policy and information report

Annex A - Flowchart of procedure for handling concerns and complaints



Annex B – Complaint Form

Level 3 Complaints

Please complete and return to the Headteacher of the specific school named in the complaint within the St John the Baptist Catholic MAT who will acknowledge receipt and explain what action will be taken.

Level 4 Complaints – Request for a LGB Complaints panel to meet.

Please complete and return to the Chair of the LGB of the specific school named in the complaint within the St John the Baptist Catholic MAT who will acknowledge receipt and explain what action will be taken.

These forms (both the same) are shown on the following pages.

Your name:
Pupil's name & School (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
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: