

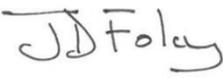


The
Holy Spirit
Catholic Multi Academy

COMPLAINTS POLICY AND PROCEDURE

'With grace and humility, glorify the Lord by your life.'

**This policy applies to all of the schools within
The Holy Spirit Catholic MAC**

Policy Ratified on:	8th July 2021
Signed by Director of the Academy Trust Company	
Signed by the Senior Executive Principal	
Next Review:	July 2022



Commitment to equality:

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a number of key policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

(adapted from the model CES Capability Policy)

1 General Principles

Catholic schools aim to be places where love of one's neighbour is evident at all times. Christ said to His disciples at the Last Supper "This is my commandment, that you love one another, as I have loved you." It is in wishing to uphold this principal that Catholic schools, and those who work there, commit themselves to care for their school community and uphold the Catholic doctrine and the ethos of the school. Nevertheless, as in any organisation, there can be times when a complaint may arise and the aim of this Complaints Policy is to set out how those complaints will be dealt with and how the school will work with all parties involved towards achieving a satisfactory resolution.

The main purposes of this Complaints Policy is to:

- resolve problems as swiftly as possible, ideally through an early informal stage
- give complainants a means to raise complaints and to have them addressed
- explain who a complaint should be directed to at the different stages and how they will be dealt with at each stage, including expected timescales
- encourage all parties to raise and/or respond to complaints as quickly as possible so that they may be dealt with swiftly and whilst the matter is still fresh in people's minds
- stress that at all stages of this policy any discussions, consideration and hearings will be held with the intention to resolve the complaint rather than apportion blame

It should be noted that this Complaints Policy does not replace the arrangements for dealing with certain types of complaint that fall outside of its remit and are covered by other policies, for example, admissions to schools, statutory assessments of Special Educational Needs, school re-organisation proposals, any matter that may require a Child Protection Investigation, exclusions, whistleblowing, staff grievances and disciplinary procedures and complaints about services provided by third parties using the school premises or facilities.

Schools recognise that complaints can be submitted by anyone, not just by parents of pupils in the school. Complaints will be dealt with consistently regardless of who the complainant is.

A written record of all complaints dealt with at Stage 2 or Stage 3 of this policy will be retained by the school/MAC along with any action taken as a result, regardless of whether the complaint is upheld or not. Any correspondence, statements and records relating to complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008.

2 The Role of the Individual ESC Representative/ Director

It is important that everyone understands that no individual ESC Representative/ Director may deal with a complaint. Anyone considering raising a complaint with the school should refer to the Complaints Management Procedure to check who the complaint should be directed to.

ESC Representative/ Directors should not get into discussion with a complainant if they are approached but should advise them only of the procedure to follow. If the situation is such that the ESC Representative/ Director has to listen in order to help to direct the complainant, then this would prejudice their impartiality if the complaint is raised and they would be unable to take part in the process any further. Should this situation arise, the ESC Representative/ Director concerned must inform the Chair of ESC Representative/ Directors accordingly.

3 Stage 1 – Informal Resolution

In the majority of cases the concern should be handled, if at all possible, without the need to undertake any formal procedures and this should be the objective of all parties involved.

The complaint should be initially discussed with the relevant member of staff, for example the class teacher or form tutor. There is no need at this stage for the complaint to be put in writing, however, the staff member should inform an appropriate senior member of staff outlining the nature of the complaint and the agreed actions to be taken including any timescales to complete them.

When a complaint is made to the Principal or senior member of staff, they should address it as soon as possible and if necessary, advise the complainant that the complaint has been addressed and share any agreed actions.

Should the person raising the concern be unable to resolve the matter at this stage then they may feel it appropriate to move on to Stage 2 of the process. However, it is expected that the majority of complaints would be resolved by the end of stage 1 without the need to escalate the complaint further.

4 Stage 2 – Formal Resolution

If the complaint cannot be resolved at Stage 1, then the complainant may, if they wish, proceed to Stage 2 by writing to the Principal or, if the complaint refers to the Principal, to the Senior Executive Principal.

On receipt of the Stage 2 complaint, the relevant person will:

- acknowledge receipt of the Stage 2 complaint within 5 school days
- investigate the complaint and decide how best to resolve it- this would normally involve meeting with and interviewing the complainant and any other persons
- within 5 school days of completing the investigation, write to the complainant outlining how the investigation was conducted and the outcome of the complaint. This letter will also include details of what the complainant can do next if the complaint has still not been resolved to their satisfaction. Information advising the complainant that they can escalate the complaint to Stage 3 must also advise them that if they wish to do so then it must be within 10 school days of the notification of the outcome of Stage 2.

5 Stage 3 –Complaints Panel

If the complainant is not satisfied with the outcome of the Stage 2 process, they may, if they wish, request that the complaint be considered by an ESC Representative/ Director Complaints Panel. To request this, the complainant will need to write to the MAC Administration Manager (mccord.l@st-thomas-more.net)

The Chair of the Education Standards Committee or Chair of the Board of Directors (as appropriate) will commission an independent investigation which will be led by an independent employee not working at the school to which the complaint refers.

The Investigator will aim to complete the investigation within 10 working days. A panel meeting will then be arranged within a further 10 working days. The panel will consist of three ESC Representatives/ Directors (as appropriate). No ESC Representative, Director or employee may sit on the panel if they have had any prior involvement in the complaint or in the circumstances surrounding it. The panel should elect their own Chair. Where it is not possible for the ESC Representative/ Directors to convene a panel due to there being insufficient ESC Representative/ Directors who have no prior involvement

in the complaint, then another MAC school may be approached to request that an ESC Representative from that school make up the panel.

The investigating officer will present the case to the panel and will ensure all evidence gathered is available to the panel should they wish to see it.

The panel will consider the following:

- any appropriate action to be taken to resolve the complaint
- whether to dismiss the complaint in whole or in part
- whether to uphold the complaint in whole or in part
- whether changes to the school procedures or systems in the future may be necessary to ensure that situations of a similar nature do not recur
- Whether the evidence suggests further action against an employee under a different policy

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

As part of the Complaints Panel hearing the following will be undertaken:

- a Clerk to the panel will be appointed- this would usually be the MAC Administration Manager
- the Clerk will ensure that all parties have received a copy of this Complaints Policy
- the Clerk will set a date, time and venue for the hearing within 20 school days of the receipt of the written Stage 3 complaint (the venue will be accessible for all parties)
- The Investigating Officer will present the complaint and explain the findings of the investigation to the panel
- the Clerk to the Complaints Panel will record the proceedings

The Chair of the panel will ensure:

- the issues raised in the complaint are addressed
- the panel are open minded and act independently
- no member of the panel has a vested interest in the outcome of the proceedings or any involvement in any earlier stage of the procedure.
- only the issues raised in the complaint are discussed and considered.

The following points should also be noted:

- the Chair of the Complaints Panel will explain the panel's remit to the panel
- the complainant, witnesses or the person to whom the complaint refers may be asked to attend to provide evidence but this may not be necessary if the panel is satisfied the independent investigation has been conducted in a thorough and impartial manner
- the panel may ask questions at any time as the investigation is presented
- the Senior Executive Principal (unless the complaint refers to the SEP) may be present as a professional advisor to the panel but must not be a panel member
- the panel will decide on an appropriate resolution to the complaint having heard all evidence presented by the Investigating Officer

The Chair of the Complaints Panel will ensure that all parties are notified of the panel's decision within 5 school days. The reasons for the decision will be clearly defined, in plain English.

If either party requires clarification concerning any points in the letter, this will be provided by the Chair of the Complaints Panel.

6 Anonymous Complaints

Anonymous complaints will not be investigated under this policy unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues, where the School would either involve external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

7 Serial and Persistent Complaints

There will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. Where a complainant tries to reopen the same issue, the Chair of ESC Representative/ Directors will inform them in writing that the procedure has been exhausted and that the matter is now closed.

8 Taking a complaint further

If a complainant has completed the stages in this Complaints Policy and is still dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Directors have acted unlawfully or unreasonably and where it is expedient or practical to do so.

The Education and Skills Funding Agency (ESFA) considers complaints relating to academy schools in England on behalf of the Secretary of State. The ESFA will consider complaints about academies that fall into any of the following three areas:

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

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

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

The ESFA can be contacted as follows:

Website

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

Address

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

9 Expectations under this procedure

When raising a complaint under this policy a complainant can expect the school/ MAC to:

- take the complaint seriously
- treat the complainant with courtesy and respect
- deal with the complaint with discretion and confidentiality (although if the matter relates to the safety and wellbeing of a child then the school may have to share the details with other agencies)
- meet the timescales set unless there are good reasons to extend these, in which case they will be informed of this
- seek and offer resolution at all stages
- inform the complainant of the action taken to resolve the complaint and of any measures put in place to ensure that a similar complaint does not arise in the future

In turn, the MAC expects that complainants will:

- treat school staff with respect
- enter into the process in the spirit of seeking resolution.
- appreciate that if the school considers that disciplinary action may be necessary against a member of staff then this will be dealt with under the school's disciplinary procedure and in confidence

If there are any queries regarding this policy or the complaints process, please contact the MAC Administration Manager:

Telephone: 02476642400

Email: mccord.l@st-thomas-more.net

Complaints Management Procedure

Who the Complaint relates to:	Stage 1: Informal Resolution	Stage 2: Formal Resolution	Stage 3: Complaints Panel
Pupil, parents or staff (other than the Principal)	The relevant member of staff, eg the class teacher or form tutor	The Principal or other Senior Leader	Panel appointed by the Chair of the ESC
The Principal	The Senior Executive Principal	The Chair of the ESC	Panel appointed by the Chair of Directors
An ESC Representative/ Director (other than the Chair of Directors)	The Chair of ESC / Directors (as appropriate)	Another nominated non-staff ESC Representative/ Director	Panel appointed by the Vice Chair of Directors
The Chair of Directors	The vice Chair of Directors	Another nominated Director	Panel appointed by the Vice Chair of Directors