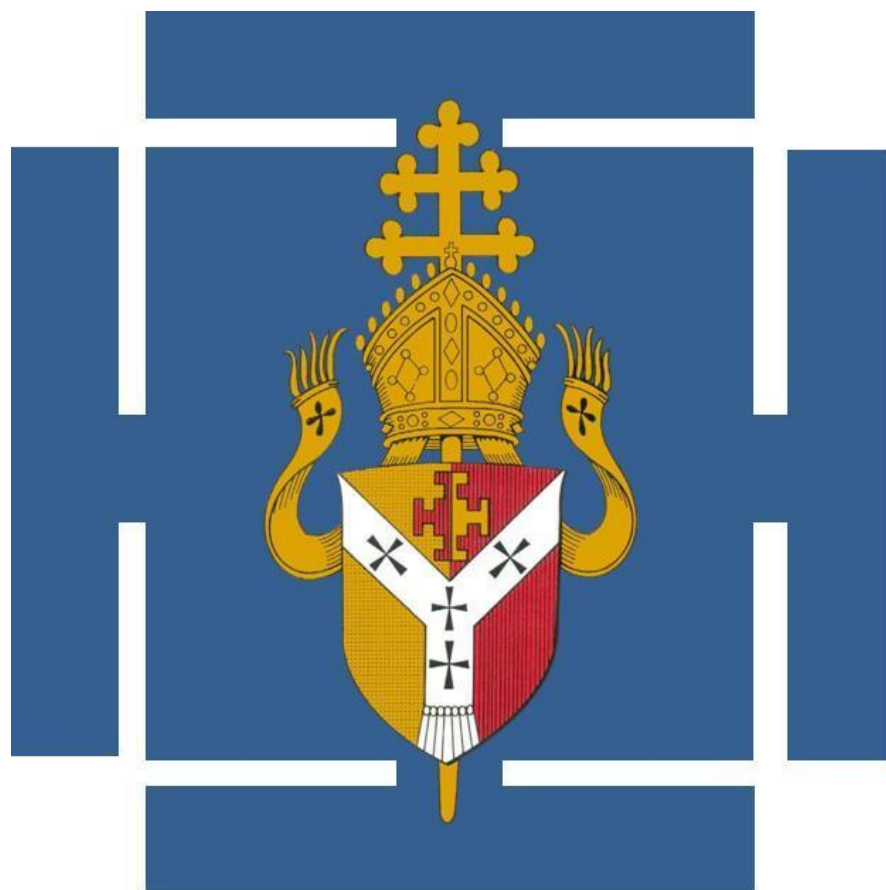


# Model Complaints Policy

May 2018



**DIOCESAN EDUCATION SERVICE**

Archdiocese of Birmingham Registered Charity No 234216

*Making Christ Known Today*



## **1 Rationale**

- 1.1 Catholic Academies aim to be places where love of one's neighbour is obvious 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."
- 1.2 Catholic Academies are staffed by teachers who are not only qualified and expert in their own field but who also, having freely chosen to become teachers in a Catholic institution, commit themselves to care for and help children in every way possible consistent with the Catholic doctrine, principles and the Catholic ethos of the Academy. Nevertheless, as in any organisation, parents may from time to time raise a concern.
- 1.3 The main purposes of this Complaints Procedure are:
  - 1.3.1 to resolve problems;
  - 1.3.2 to give parents a means to raise issues of concern and to have them addressed;
  - 1.3.3 to show parents the most appropriate person to whom a concern/complaint should be raised;
  - 1.3.4 to encourage all parties to raise and/or respond to concerns as quickly as possible so that they may be dealt with whilst the matter is fresh in peoples' minds.
  - 1.3.5 to stress that at all stages of this policy the discussions, consideration and hearings should be investigatory rather than adversarial in their nature.

## **2 The role of the Individual Academy Committee Representative**

- 2.1 No individual Academy Committee Representative may deal with either a concern or a complaint. A parent may approach an Academy Committee Representative to ask what they should do as they have a concern.
- 2.2 Academy Committee Representatives should not get into discussion with a parent but should advise them only of the procedure to follow: to contact the designated teacher with responsibility for your child, or the Principal.
- 2.3 If the situation is such that the Academy Committee Representative has to listen in order to help to direct the concern they must accept that this will prejudice their impartiality if the issue develops and must inform the Chair of the Academy Committee accordingly.

## **3 Selecting the most appropriate procedure**

- 3.1 **Initial concerns – Informal Resolution**
  - 3.1.1 In the majority of cases the concern should be handled, if at all possible, without the need for formal procedures and this should be the objective of all parties involved in the Informal Resolution process
  - 3.1.2 The person who has the concern should raise it with the teacher responsible for his/her child, as soon as possible (ideally within 5 school days), so that the matter may be

discussed, and resolved (ideally within 10 school days), whilst it is still fresh in everyone's mind.

- 3.1.3 Should the person raising the concern be unable to resolve the matter with the pupil's teacher the concern should be referred immediately to the Principal, who will seek to resolve the matter.

### 3.2 **Formal procedures – Formal Resolution**

- 3.2.1 If either the Principal or the person raising the concern considers that the informal resolution process is not resolving the matter the complainant should be given a copy of this Complaints Policy. Should the complainant then wish to raise a **formal complaint** they must do so within 10 school days of receipt<sup>1</sup> of the Complaints Policy.
- 3.2.2 The member of staff with responsibility for the operation and management of the Academy's formal complaints procedure is known as the Academy's Complaints Co-ordinator (this is often the Principal).
- 3.2.3 Where it is not possible to satisfy the concern through the mechanism of Informal Resolution the Academy recognises that the person raising the concern may wish to deal with the matter through a formal complaints procedure.
- 3.2.4 Where the first approach is made to an Academy Committee Representative, the next step would be to refer the complainant to the Complaints Co-ordinator who will advise him/her about the appropriate procedure. Academy Committee Representatives should not act unilaterally on an individual complaint outside the formal procedure or be involved in the early stages of a complaint/concern in case they are needed to sit on a panel at a later stage in the procedure.
- 3.2.5 The Academy's Complaints Procedure does not replace the arrangements for dealing with certain types of complaint that fall outside the remit of the Complaints Procedure and which are covered by other policies - for example, Admissions Procedures, Child Protection Procedures, Curriculum Procedures, Special Educational Needs Procedures, Pupil Exclusion Procedures and Staff Disciplinary Procedures .

## 4 **The Formal Complaints Procedure**

### 4.1 **Stage One – complaint heard by the Complaints Co-ordinator**

- 4.1.1 The Complaints Co-ordinator will seek to resolve the complaint by meeting with the complainant and investigating the complaint - The Stage One Meeting. This will be done with reference to the Diocesan document "Guidelines for the Implementation of the Model Complaints Procedure". This meeting will be held normally within 5 school days of receipt of the complaint.
- 4.1.2 Where the complaint concerns the Principal the Complaints Co-ordinator will refer the complaint immediately to the Chair of the Academy Committee. The Chair (or nominee) will then conduct Stage One.

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<sup>1</sup> Communications by post should be by first class post. Communications will normally be deemed to have been received on the second school day after posting. If a complainant is posting a complaint letter, it meets the deadline if it is posted on the 'tenth day'. Proof of posting is recommended.

- 4.1.3 The Principal may consider that the circumstances surrounding the complaint make it appropriate to refer the matter immediately to the Chair of the Academy Committee. The Chair (or nominee) may then conduct the Stage One process.
- 4.1.4 Within 5 school days of the Stage One Meeting, the Complaints Co-ordinator (or other person carrying out Stage One) will send to the complainant a written 'Note of Meeting'. This will summarise the conclusions reached and inform the complainant that they may appeal the conclusions (ie take the complaint to Stage Two – see 4.2 below) if they wish, but if so, must do so within 10 school days of the Stage One meeting. The 'Note of Meeting' will give details of how this appeal can be lodged. This will normally be by letter to the clerk to the Academy Committee.
- 4.2 **Stage Two – complaint heard by the Academy Committee's Complaints Appeal Panel.**
- 4.2.1 The complainant should write to the Clerk to the Academy Committee giving full details of the complaint and enclosing a completed Complaints Form that is available from the Academy. (Attached as Appendix A)
- 4.2.2 The Clerk will obtain proper and appropriate guidance from the Diocesan Education Service and will then convene an Academy Committee Complaints Appeal Panel.
- 4.2.3 Academy Committee's complaints appeal hearing is the last Academy-based stage in the Complaints Procedure, and is not convened merely to rubber-stamp previous decisions (see cl. 4.3.1 below).
- 4.2.4 Individual complaints will not be heard by the whole Academy committee at any stage, as this could compromise the impartiality of any panel set up under any other procedure.
- 4.2.5 The panel, which must be impartial (and seen to be so), may consist of between three and five members. Most members would be members of the Academy Committee, but one member **must** be independent of the management and running of the school<sup>2</sup>. No Academy Committee Representative may sit on the panel if he/she has had any prior involvement in the complaint or in the circumstances surrounding it. Neither the Principal nor the Chair of The Academy Committee should be a member of this panel. The panel should elect their own chair.
- 4.2.6 The panel may have the assistance of an advisor e.g. from the Diocesan Education Service to advise on procedure.
- 4.2.7 The objective of the Stage Two process should always be to resolve the complaint in an open and transparent manner as described in cl. 4.5.1 below. Both parties should normally be present whilst the complaint is being described and responded to and the complainant can be accompanied at a panel hearing if they wish. However, there may be situations where the Chair of the Academy Committee considers that the relationship between the complainant and the Academy has broken down to such an extent that any further meeting that they jointly attend would only become adversarial in nature. The Chair of the Academy Committee may then decide that the Stage Two meeting should be held

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<sup>2</sup> See The Education (Independent School Standards) (England) Regulations 2010, regulation 25. It may be acceptable to use a member of an academy committee of a different school as long as that member is not a director of the Multi Academy Company, but independence from the running of the academy must be apparent.

in two parts with each party, with their witnesses, meeting with the Appeal Panel on their own. Should the Chair of the Academy Committee decide that this will be the most appropriate way to carry out the Stage Two process he/she will advise both parties, the Clerk to the Appeal Panel and the Chair of the Appeal Panel accordingly (see cl. 4.5.2 below).

### 4.3 Remit of the Appeal Panel

4.3.1 The panel can:

4.3.1.1 dismiss the complaint in whole or in part

4.3.1.2 uphold the complaint in whole or in part

4.3.1.3 decide on the appropriate action to resolve the complaint

4.3.1.4 recommend changes to the Academy's systems or procedures to ensure that problems of a similar nature do not recur.

4.3.2 It is important that the appeal hearing is independent and impartial and is seen to be so.

4.3.3 The aim of the hearing, which will be held in private, will be to resolve the complaint, where appropriate, and achieve reconciliation between the Academy and the complainant. However, it is recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour.

4.3.4 The panel will acknowledge that complainants may feel nervous and inhibited in a formal setting. The chair of the panel will ensure that the proceedings are as welcoming as possible. Care will be taken to ensure that the layout of the room is informal and the meeting not adversarial in tone.

4.3.5 Academy Committee Representatives sitting on the panel will have been informed about the Academy's Complaints Procedure and the Diocesan Education Service guidance regarding its implementation.

### 4.4 Roles and Responsibilities

4.4.1 The Academy will ensure that the hearing is clerked. **The role of the Clerk will be to:**

4.4.1.1 ensure that all parties have copies of the Complaint Procedure

4.4.1.2 set the date, time and venue for the hearing and notify the complainant that they can be accompanied at the panel hearing if they wish, ensuring that the arrangements are the most convenient to all parties, but within 20 school days of receipt of the complainant's wish to invoke Stage Two of the Procedure<sup>3</sup>, and that the venue and proceedings are accessible

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<sup>3</sup> Should either party fail to attend the hearing the panel will determine the missing party's case on their written submission. Once parties have agreed to a hearing date, the date will only be rearranged in exceptional circumstances. Any rearranged date should be within 10 school days of the original hearing date.

- 4.4.1.3 10 days prior to the hearing, collect any written evidence or other documentation for use at the hearing, together with the names of any witnesses that the complainant or the Academy may wish to call;
- 4.4.1.4 collate all written material and send it to the parties to arrive at least 5 school days prior to the hearing;
- 4.4.1.5 meet and welcome the parties as they arrive for the hearing;
- 4.4.1.6 record all proceedings;
- 4.4.1.7 notify, in writing, all parties of the panel's decision, within 5 school days following the hearing.

**4.4.2 The role of the chair to the panel will be to ensure that:**

- 4.4.2.1 the remit of the panel is explained to the parties and that each party has the opportunity to put their case without undue interruption. See also cl 4.2.6 above;
- 4.4.2.2 the issues are addressed;
- 4.4.2.3 parents and others who may not be used to speaking at such a hearing are put at their ease;
- 4.4.2.4 the hearing is conducted in an informal manner with each party treating the other with respect and dignity;
- 4.4.2.5 the panel is open minded and acting independently;
- 4.4.2.6 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;
- 4.4.2.7 each side is given the opportunity to state their case and ask questions;
- 4.4.2.8 written material has been supplied to all parties;
- 4.4.2.9 if a related issue arises at the hearing, all parties are given the opportunity to adjourn to consider the related issue and then comment on it;
- 4.4.2.10 any new issues raised at the hearing are referred to a fresh process, to be dealt with separately from this panel meeting;
- 4.4.2.11 any procedural issues that arise are determined by the panel

**4.5 Check List for Panel Hearing**

**4.5.1 The panel will take account of the following:**

- 4.5.1.1 the hearing is as informal as possible;
- 4.5.1.2 witnesses are only required to attend for the part of the hearing in which they give their own evidence;

- 4.5.1.3 after an introduction by the chair of the panel, the complainant is invited to explain their complaint, and to be followed by their witnesses;
- 4.5.1.4 the Principal<sup>4</sup> may question both the complainant and the witnesses after each has spoken, but only to clarify what they are saying;
- 4.5.1.5 the Principal is then invited to explain the Academy's actions and be followed by the Academy's witnesses;
- 4.5.1.6 the complainant may question both the Principal and the Academy's witnesses after each has spoken;
- 4.5.1.7 the panel may ask questions at any time up to this point, after which they may ask no further questions;
- 4.5.1.8 the complainant is then invited to sum up their complaint;
- 4.5.1.9 the Principal is then invited to sum up the Academy's actions and response to the complaint;
- 4.5.1.10 the chair explains that both parties will receive the written decision of the panel from the Clerk within 5 school days;
- 4.5.1.11 both parties leave together whilst the panel decides on the issues. The clerk and any advisor to the panel may remain with the panel during their discussion, but conclusions and recommendations are the responsibility only of the panel members.
- 4.5.2 Clause 4.2.7 above describes a circumstance where it is considered appropriate for the complainant and the Academy not to attend the Stage Two panel hearing together. If this applies the procedure will be;
  - 4.5.2.1 each party will attend the Appeal Panel separately and will not meet before or after their attendance(s) at the Panel hearing (Separate waiting rooms must be provided);
  - 4.5.2.2 the hearing is as informal as possible;
  - 4.5.2.3 witnesses are only required to attend for their part of the hearing in which they give their evidence;
  - 4.5.2.4 as part of the introduction to each party the Chair of the Panel will explain how the hearing will operate and that they will receive the written decision of the Panel from the clerk within 5 school days;
  - 4.5.2.5 after introduction the complainant is invited to explain their complaint and to be followed by their witnesses;
  - 4.5.2.6 the Panel may ask questions at any time;
  - 4.5.2.7 the complainant then leaves the Panel meeting

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<sup>4</sup> If the Chair of The Academy Committee or his nominee has conducted stage one of the procedure, then that person should take this role at the hearing, but in such a case, the Principal may be called as a witness.



- 4.5.2.8 the Principal then attends the Panel hearing and, after introduction, is invited to make the Academy's response to the complaint, and to be followed by their witnesses;
- 4.5.2.9 the Panel may ask questions at any time;
- 4.5.2.10 the Principal then leaves the Panel hearing;
- 4.5.2.11 the Panel may then recall either party to resolve any discrepancies in the material presented to them;
- 4.5.2.12 when the Panel is satisfied that they have a proper understanding of the complainants position and the Academy's response both parties will be advised that their participation in the hearing is completed and that they should leave;
- 4.5.2.13 the Panel then decides on the issues. The clerk and any advisor to the panel may remain with the panel during their discussion, but conclusions and recommendations are the responsibility only of the panel members.

#### **4.6 Notification of the Panel's Decision**

- 4.6.1 The chair of the panel will ensure that the complainant is notified, in writing, of the panel's decision, with reasons clearly defined in plain English, within 5 school days.
- 4.6.2 If the complainant requires clarification concerning points in the letter, this will be provided by the Chair of the Panel.
- 4.6.3 In case the complainant is not satisfied that the complaints procedures were conducted properly and fairly, the letter will advise that there is a further Right of Review of the Conduct of the Procedure (see cl 7 below).

### **5 Confidentiality**

- 5.1 The Academy is required to maintain a written record of all complaints that are made, whether they are resolved informally or whether they proceed to a panel hearing and any action that the Academy has taken as a result of the complaints.
- 5.2 The written record referred to in 5.1 and all additional records, statements or correspondence will be kept confidential except where the Secretary of State or body conducting an inspection under section 109 of the 2008 act requests them.

### **6 Anonymous Complaints**

- 6.1 Anonymous complaints will not be investigated under this procedure unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues or bullying allegations, where the Academy 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 Vexatious Complaints**

- 7.1 There will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue

the Chair of the Academy Committee will inform him/her in writing that the procedure has been exhausted and that the matter is now closed.

## **8 Right of Review of the Conduct of the Procedure**

- 8.1 In case the complainant is not satisfied that the complaints procedures were conducted properly and fairly, the letter containing the panel's decision (cl. 4.6 above) will explain that there is a further right to request an investigation into the application of due process by applying to the Director of Education at the Diocesan Education Service, and providing the address. The letter to the complainant must explain that such a request must be made within 10 school days of the Appeal Panel hearing.
- 8.2 This stage is essentially a review of the conduct of the Academy based parts of the procedure. It cannot reverse any judgements of the Academy. It would however involve some examination of the context of the complaint to establish whether or not the Academy had conducted the procedure and come to its judgements in a reasonable way.
- 8.3 A copy of the report from the Diocesan Education Service will be sent to the complainant, the principal, the chair of the Academy Committee and the chair of the Board of Directors
- 8.4 The report from the Diocesan Education Service may give recommendations to the Directors and Academy Committee.

Policy prepared by the Diocesan Education Service      May 2018

Policy approved by Academy Committee \_\_\_\_\_

Policies, including this policy, are reviewed by Academy Committee on an annual basis at the first full meeting of the Academy Committee in each Autumn term.

This policy will also be reviewed following the completion of any process using the provisions set out above.

Appendix A

Please complete and return to .....(Clerk to the Academy Committee)  
who will acknowledge receipt and explain what action will be taken.

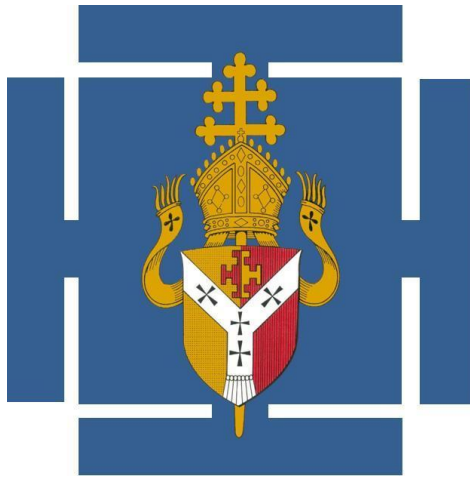
Your name:	
Pupil's name:	
Your relationship to the pupil:	
Address:	
	Postcode:
Day time telephone number:	Evening telephone number:
Please give details of your complaint.	
<i>If necessary please continue on a separate sheet.</i>	
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?	











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