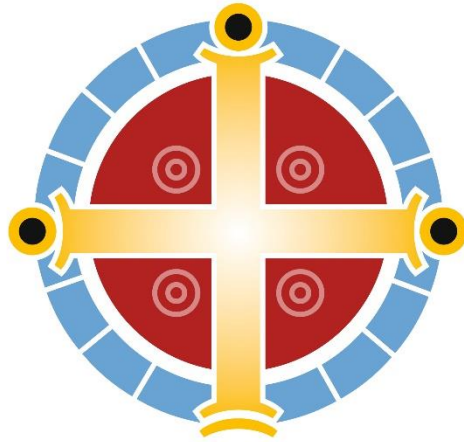


# Complaints Policy and Procedure



## St Benedict CATHOLIC ACADEMY TRUST

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# ST BENEDICT CATHOLIC ACADEMY TRUST

## COMPLAINTS POLICY AND PROCEDURE

Our mission is inspired by our Patron St Benedict, to live, learn, pray and celebrate together. Our community of Catholic schools are committed to ensuring that each child realises their God given gifts. Our strong sense of community promotes Gospel values which inspire students to make a positive contribution to society. We provide the best possible opportunities for every child's education, with an overarching mission focused on delivering a strong Catholic education, firmly rooted in the belief that Christ should be at the core of all our endeavour.

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## 1. Aims

The St Benedict Catholic Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at our schools and others.

When responding to complaints, the Trust aims 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 wherever possible
- Treat complainants with respect and courtesy
- Make sure 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.

The Trust will try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. The Trust will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, the Trust will ensure that it publicises the existence of this Policy and make it available on the Trust and school website.

Throughout the process, the Trust will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

## 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 the Trust must have and make available a written procedure to deal with complaints from parents of pupils at Trust schools.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on a complaints and refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

In addition, where applicable, it addresses duties set out in the Early Years Foundation Stage statutory framework with regards to dealing with complaints about the Trust's fulfilment of Early Years Foundation Stage requirements.

## 3. Definitions and Scope

### 3.1 Definitions

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

### 3.2 Scope

The Trust 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
- Suspension and permanent exclusion
- Whistleblowing
- Staff grievances

- Staff discipline
- Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why).

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

Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).

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

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 Trust or the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do 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 Principal (or other lead person from the Trust depending on the level of the complaint) which includes the facts and potential solutions.

##### **4.3 The complaints coordinator**

If necessary, an individual may be appointed to:

- Keep the complainant up to date at each stage of the procedure
- Make sure the process runs smoothly by liaising with appropriate staff members or other parties
- Be aware of issues relating to:
  - Sharing third-party information
  - Additional support needed by complainants, for example, interpretation support or where the complainant is a child or young person
- Keep records.

##### **4.4 The clerk to the review panel**

The Clerk to the review panel will:

- Be the contact point for the complainant and any review panel, including circulating the relevant papers and evidence before review panel meetings
- Arrange the review panel
- Record and circulate the minutes and outcome of the hearing.

##### **4.5 Review panel chair**

The review panel 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 review panel, 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 Timescales**

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. The Trust 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, the Trust will consider them to have been received on the first school day after the holiday period. If at any point, the Trust or the school cannot meet the time scales we have set out in this Policy, the Trust 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**

The Trust will investigate all written complaints relating to the Trust's fulfilment of the Early Years Foundation Stage requirements and notify the complainant of the outcome within 28 days of receiving the complaint.

The Trust will keep a record of the complaint (see section 13) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the Trust is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto: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. General Complaints (not complaints against Principal, Governance Committee Members, the Chief Executive Officer, Directors of the Trust Board (incl the Chair of the Trust Board) or Executive Officers)**

The Trust recommends that complainants attempt informal resolution under Stage 1 of this policy before making a formal complaint, if it is appropriate to do so. If this is not appropriate and the complainant wishes to go straight to the formal stage then this should be done under Stage 2 of the policy, please see section 6.2.

### **6.1 Stage 1: Informal**

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Principal at the relevant school, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the relevant school office either in person or by phone/email.

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The school will acknowledge informal complaints within 5 school days, look into the matter and provide a response within 20 school days. If a response cannot be provided within 20 school days, the school will inform the complainant and advise that additional time is required to investigate the complaint. The informal stage may involve a meeting between the complainant and the relevant staff members, as appropriate. If the complaint is not resolved informally, it can be escalated to a formal complaint under Section 6.2 of this Policy.

### **Stage 2: Formal**

The formal stage involves the complainant putting the complaint to the Principal. Formal complaints can be raised:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant.

The complainant 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.

If complainants need assistance raising a formal complaint, they can contact the school office either in person or by phone/email.

The Principal (or the person appointed on their behalf) will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days.

The Principal (of the person appointed on their behalf) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 school days.

### **How to escalate a complaint**

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the school's governance committee in writing within 5 school days. Contact details can be found on the school website or office. Complaints can be escalated by contacting the clerk to the governance committee:

- By letter or email
- Over the phone
- In person
- By a third party acting on behalf of the complainant.

The clerk will need the details of the complaint as set out above, as well as details from the complainant on how they feel the previous stage of the procedure has not addressed their complaint sufficiently, and what they feel would resolve the complaint. The clerk will acknowledge receipt of the request within 5 school days.

### **6.3 Stage 3: Review Panel Convening the panel**

Complaints will be escalated to a review panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The review panel will be appointed by or on behalf of the Trust and must consist of at least 3 individuals who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the school. A governance committee member from another school, who has no conflict of interest or prior knowledge of the complaint, can be an independent panel member. A Trust Director cannot undertake the role of independent panel member. The Complaints Panel cannot be made up solely of the school's

governance committee members, as they are not independent of the management and running of the school.

The review panel will have access to the existing record of the complaint's progress. The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 20 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The review panel will go ahead using written submissions from both parties.

Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

### **At the meeting**

The meeting will be held in private, electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent for recording of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in the minutes taken.

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.

The complainant must be allowed to attend the Complaint Panel meeting and be accompanied by a suitable companion, such as a friend or family member, if they wish. Representatives from the media are not permitted to attend.

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.

The review panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

The review panel will then put together its findings and recommendations from the case. 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 by the Principal.

### **The outcome**

The panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part.

If the complaint is upheld, the panel will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The school will inform those involved of the decision in writing within 10 school days.

## **7. Complaints against a Principal**

### **7.1 Stage 1: Informal**

The complainant should raise the complaint made against a Principal to the Chief Executive Officer (CEO) at: Interchange Building, 1<sup>st</sup> Floor 81-85 Station Road, Croydon, CR0 2RD.

The CEO (or an appropriate representative appointed to lead on their behalf "their representative") will

take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The CEO, or their representative, will acknowledge informal complaints within 5 school days, look into the matter and provide a response within 20 school days. If a response cannot be provided within 20 school days, the complainant will be informed and advised that additional time is required to investigate the complaint.

The informal stage may involve a meeting between the complainant and the relevant staff members, as appropriate.

If the complaint is not resolved informally, it can be escalated to a formal complaint under Section 7.2 of this Policy.

### **7.2 Stage 2: formal**

The formal stage involves the complainant putting the complaint to the Chief Executive Officer (CEO):

- In a letter or email
- Over the phone
- In person
- Through a third party acting on their behalf

The complainant 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.

If complainants need assistance raising a formal complaint, they can contact the Trust office by phone/email.

The CEO, or their representative, will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

A suitable individual will be appointed to carry out an investigation. The written conclusion of the investigation will be sent to the complainant within 20 school days.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the Company Secretary of the Trust in writing within 5 school days: [s.dossetter@sbcats.co.uk](mailto:s.dossetter@sbcats.co.uk).

### **7.3 Stage 3: review panel**

#### **Convening the meeting**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal, stage.

The panel will be appointed by, or on behalf of, the Directors of the Trust Board and must consist of at least 3 panel members who were not directly involved in the matters detailed in the complaint. One panel member must be independent of the management and running of the school involved in the complaint. A governance committee member from another school, who has no conflict of interest or prior knowledge of the complaint, can be an independent panel member. A trust director cannot undertake the role of independent panel member. The review panel will have access to the existing record of the complaint's progress.

The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 20 school days of the request, where possible.

If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date.



The hearing will go ahead using written submissions from both parties. Any written material will be circulated to all parties at least 5 days before the date of the meeting.

**At the meeting**

The meeting will be held in private, electronic recordings of meetings or conversations are not normally permitted unless a complainant’s own disability or special needs require it. Prior knowledge and consent for recording of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in the minutes taken.

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. The complainant must be allowed to attend the review panel meeting and be accompanied by a suitable companion, such as a friend or family member, if they wish. Representatives from the media are not permitted to attend.

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.

The review panel, the complainant and the school representative(s) will be given the chance to ask and reply to questions. Once the complainant and school representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

The review panel will then put together its findings and recommendations from the case. 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 by the CEO.

**The outcome**

The panel can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part.

If the complaint is upheld, the panel will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the school’s systems or procedures to prevent similar issues in the future.

The school will inform those involved of the decision in writing within 10 school days.

**8. Complaints against a Governance Committee member, Director of the Trust Board (including the Chair), the CEO or members of the Trust Executive team**

The same process as above will be followed. The table below sets out who will usually hear each stage of the process.

<b>Complaint against</b>	<b>Stage 1: Informal</b>	<b>Stage 2: Formal</b>	<b>Stage 3: Review panel<sup>1</sup> made up of:</b>
Governance Committee Members	Company Secretary or their representative	Company Secretary or their representative	Trust Directors Nominee of the Education Service
Executive Team members (other than the CEO)	CEO or their representative	CEO or their representative	Trust Directors 1 x Nominee of the Education Service
Trust Board Directors (incl the Chair)	Company Secretary or their representative	Company Secretary or their representative	Nominees of the Education Service

CEO	Chair of the Trust Board or their representative	Chair of the Trust Board or their representative	Trust Directors 1 x Nominee of the Education Service
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**Contact details:**

Trust Company Secretary: C/O Interchange Building, 1<sup>st</sup> Floor 81-85 Station Road, Croydon, CR0 2RD.

Chair of the Trust Board at: C/O Interchange Building, 1<sup>st</sup> Floor 81-85 Station Road, Croydon, CR0 2RD.

1 There will always be at least 3 members of a review panel. 1 member must be independent of the school or Trust (depending on who the complaint is against)

**9. Referring Complaints on Completion of the Trust’s Procedure**

If the complainant remains unsatisfied with the outcome of the Trust’s complaints procedure, they can refer their complaint to the Education, Skills and Funding Agency (ESFA). The ESFA will check whether the complaint has been dealt with properly by the Trust. The ESFA will not overturn a Trust’s decision about a complaint. However, it will look into whether the Trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions.

If the Trust did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the Trust’s complaints procedure is found to not meet regulations, the Trust will be asked to correct its procedure accordingly. For more information or to refer a complaint, see the following webpage:

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

The Trust will include this information in the outcome letter to complainants.

**10. Persistent Complaints**

**10.1 Unreasonably persistent complaints**

Most complaints raised will be valid, and therefore the Trust and its schools will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and has already been resolved by following the Trust’s complaints procedure;
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive;
- Knowingly provides false information;
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure;
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out;
- Changes the basis of the complaint as the investigation goes on;
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time;
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value.

**Steps that will be taken**

The Trust and its schools will take every reasonable step to address the complainant’s concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the Trust in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary.

### **Stopping responding**

The Trust or one of its schools may stop responding to the complainant when all of these factors are met:

- The Trust or the School believe we have taken all reasonable steps to help address their concerns
- The Trust or the School have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and the Trust or the School believe their intention is to cause disruption or inconvenience.

Where the Trust or the School stop responding, the Trust or the School will inform the individual of its intention to do so. The Trust or the School will also explain that any new complaints made will still be considered. In response to any serious incident of aggression or violence, the Trust or the School will immediately inform the police and communicate our actions in writing. This may include barring an individual from our Trust/School site.

### **10.2 Duplicate complaints**

If the Trust or the School have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, the Trust or the School will assess whether there are aspects that it had not previously considered, or any new information it need to take into account.

If the Trust or the School are satisfied that there are no new aspects, it will:

- Tell the new complainant that the Trust or the School has already investigated and responded to this issue, and the local process is complete
- Direct them to the ESFA (see Section 11 if they are dissatisfied with our original handling of the complaint. If there are new aspects, the Trust or the School will follow this procedure again.

### **10.3 Complaint campaigns**

Where the Trust or a School receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the Trust or the School, the Trust or a School may respond to these complaints by:

- Publishing a single response on the Trust/School website
- Sending a template response to all of the complainants.

If complainants are not satisfied with the response from the Trust or a School, or wish to pursue the complaint further, the normal procedures will apply.

## **11. Record Keeping**

The Trust and its schools will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, 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, held at the School or Trust depending on the level of the complaint, 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 (SAR) under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data

protection law, our privacy notices and the Trust Records Management Policy.

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

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 the Governance Committee, or Trust Board of Directors (depending on the level of the complaint), who will not unreasonably withhold consent.

## **12. Learning Lessons**

The Governance Committee / Trust Board of Directors will review any underlying issues raised by complaints with Senior Leaders, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Trust or a school can make to its procedures or practice to help prevent similar events in the future.

## **13. Monitoring Arrangements**

The Governance Committee and the Trust Board of Directors will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly including tracking the number and nature of complaints, and review underlying issues.

## **14. Links with other policies**

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Behaviour, suspensions and permanent exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices.