



## Complaints procedure

Approved by: OLICAT Board

Last reviewed on: April 2020

Next review due by: April 2022

## Notes of clarification

The word "Director/s" is used to refer to Directors of Our Lady Immaculate Catholic Academies Trust. The Directors have the ultimate responsibility for directing the affairs of the Trust and ensuring that it is solvent, well run and delivering the outcomes for which it has been set up.

The word "Governor "is used as a term to cover Directors of the Trust and people appointed by the Trust Board and/or Diocese to serve as Members of a School Local Academy Committee (LAC). Governors set high standards of achievement for all children and young people in the school by: setting the school's vision, ethos and strategic direction; holding the headteacher to account for the educational performance of the school and its pupils; and overseeing the financial performance of the school and making sure its money is well spent

The words 'Trust Board' or 'Board' refers to the Board of Directors of the Our Lady Immaculate Catholic Academies Trust.

The words 'Local Academy Committee (LAC)' refers to the local governing body of a school.

The words "Clerk to the Governors" or Clerk refers to a role appointed by the governors to provide advice and guidance to the governing board on governance, constitutional and procedural matters, and supports the efficient functioning of a governing board and its committees.

## Aims

The schools within the Our Lady Immaculate Catholic Academies Trust (OLICAT) always welcome meaningful communication with parents, students and the wider community, and whilst we hope you are always happy with your child's progress or relationship with the schools we recognise there are occasions when you will want to bring questions or concerns to a school's attention.

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.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on the school website.

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

## 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.

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

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

The schools intend 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 and Staff discipline. Please see our separate policies for procedures relating to these types of complaint.

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

## **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

## **Timescales**

We intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

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

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. 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.

## **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](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.

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

### **Stage 1: informal**

The school will take informal concerns seriously and make every effort to resolve the matter quickly. Many concerns may be settled by contacting your child's teacher because they work regularly with your child.

You should raise the complaint as soon as possible with the relevant member of staff – this may be your child's class or subject teacher, head of year or subject, or the headteacher. If the complaint is regarding the special needs provision provided by the school for your child you may wish to direct your complaint to the school SENCO. You can do so either in person or by letter, telephone or email. If you are unclear who to contact or how to contact them, please contact the school office.

The school will acknowledge informal complaints within five school days, and investigate and provide a response within fifteen school days.

If the complaint is not resolved informally, you can escalate it to a formal complaint.

### **Stage 2: formal**

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, and what they feel would resolve the complaint. For clarity and speed of resolution you may be asked to detail your complaint in writing. If complainants need assistance raising a formal complaint, they can contact the school office.

The headteacher (or other person appointed by the headteacher for this purpose) will then conduct an investigation. You may be asked for further information and/or invited to a meeting to discuss your complaint. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance. In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The written conclusion of this investigation will be sent to you within fifteen school days.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the clerk to the governing board within fifteen school days.

Any complaint relating to a headteacher must be raised in the first instance with the Chair of Governors who will, if an informal resolution cannot be reached, designate a Governor to investigate in the same way as outlined above.

### **Stage 3: Governors**

You may escalate your complaint, in writing, to the Governors of the school if you are not satisfied with the response to the complaint at the second, formal, stage (or if the complaint is about a headteacher). You must explain how you feel the previous stage of the procedure has not addressed your complaint sufficiently, and what you feel would resolve the complaint.

The Governors will conduct an investigation into the complaint within fifteen school days. You may be asked for further information and/or invited to a meeting to discuss your complaint. You will receive a written response to your complaint within fifteen school days of the completion of the investigation.

### **Stage 4: Independent Review**

If you are not satisfied with the response of the Governors at stage 3 you may request that the complaint be considered by a panel convened by the Governing Body. This will comprise a minimum of 3 people, at least 2 of which will be Governors and which will include one person who is independent of the management and running of the school. Members of the Panel will be appointed on the basis that they have no prior knowledge of the complaint. The request must be in writing, addressed to the

Clerk to the Governors, within 15 school days of the response from stage 3 being sent to you and must set out the reasons you are dissatisfied with the response.

Within fifteen school days of receipt of the complainant's letter the Clerk will convene a meeting of the panel of the Governing Body together with the complainant and relevant representatives of the school. That meeting will be held as quickly as practicable given the need to find a date that is reasonably convenient for the complainant, the school and the members of the Panel. At any meeting, the complainant will be entitled to be accompanied by a friend (but legal representation will not be allowed). The complainant will have the opportunity to put their reasons for dissatisfaction and to enlarge on them but may not introduce additional reasons that were not previously put in writing. Any papers from either party must be circulated no later than 5 school days prior to the meeting.

The decision of the panel is final. If you are still not satisfied, you may wish to put your complaint to the Secretary of State for Education and Skills.

### **Complaints against the headteacher 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.

### **Referring complaints on completion of the school's procedure**

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

- Whether there was undue delay, or the school did not comply with its own complaints procedure
- Whether the school was in breach of its funding agreement with the secretary of state
- Whether the school has failed to comply with any other legal obligation

If the school did not deal with the complaint properly, it will be asked to re-investigate the complaint. If the school's complaints procedure is found to not meet regulations, the school will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage: <https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

### **Persistent complaints**

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is 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.

### **Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account. If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint

If there are new aspects, we will follow this procedure again.

### **Complaint campaigns**

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

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

### **Record-keeping**

The school 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 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 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 data retention schedule.

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.

### **Monitoring arrangements**

The Governing Body monitors the Complaints Procedure, in order to ensure that all complaints are handled properly. The headteacher will log all formal complaints received by the School and record how they were resolved. Governors will examine this log on an annual basis and consider the need for any changes to the procedure.

## **Appendix 1 – roles and responsibilities**

### **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

### **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

### **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

### **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