



**Bishop  
Hogarth**

Catholic Education Trust

## **COMPLAINTS POLICY & PROCEDURES**

**THIS POLICY APPLIES TO ALL TRUST SCHOOLS AND THE CARMEL  
PROFESSIONAL TRAINING CENTER**

**Document Management:**

Date Policy Approved:	May 2013
Date Policy Reviewed:	May 2022
Next Review Date:	May 2025
Version:	5.0
Approving Body:	Board of Directors

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# Complaints Policy

## Procedure on the Handling of Concerns and Complaints

This policy applies to all concerns and complaints including those concerning the support provided to students with medical conditions. Specific policies and procedures are however in place for the following:

- **Admissions** - refer to the appeals process outlined in the Admissions Policy.
- **Child Protection** issues
- **Exclusions** where separate procedures apply.
- **Whistleblowing**
- **Staff Grievance and Discipline**
- Statutory assessments of Special Educational Needs -

Complaints about services provided by other suppliers who may use / hire school premises or facilities should be directed to the external providers own complaints procedures.

This policy complies with Schedule 1, Part 7 of the Education (Independent School Standards) (England) Regulations 2014.

This policy also has due regard to good practice guidance including, but not limited to, the following:

- ESFA (2021) 'Best practice guidance for academies complaints procedures'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

The policy covers all Academies within the Bishop Hogarth Catholic Education Trust.

## English Language Requirement – Immigration Act 2016

A legitimate complaint received in respect of the above, whereby a member of the public feels that a public-facing member of staff has insufficient proficiency in English will be investigated in line with this policy and will adhere to the Code of Practice on the English language requirements for public sector workers.

Members of staff subject to the complaint will be notified of the complaint and given an opportunity to give their own account of the incident. A complaint will be assessed against an objective assessment of the level of fluency relevant to the role in question.

A complaint about a member of staff's accent, dialect, manner or tone of communication, origin or nationality will not be considered a legitimate complaint. All legitimate complaints regarding the fluency duty will be handled in line with the processes detailed in this policy.

In addition to the processes outlined in this policy, the trust will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question.

To assess the merits, the academy at which the staff member works will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.

If the complaint is upheld, the trust will consider what action is necessary to meet the fluency duty; this may include:

- Specific training
- Specific re-training
- Assessment
- Re-deployment
- Dismissal

Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

## Timescales

We aim to resolve any complaints in a timely manner. Timescales for each stage of the Complaints Procedure are set out below in the relevant paragraphs. For the purposes of this policy, a "working day" is defined as a weekday during term time, when the school is open. The definition of "working day" excludes weekends and Bank Holidays.

## Policy Aim and Statement

The Trust aims to resolve complaints at the earliest possible stage, and where possible, informally, and is dedicated to continuing to provide the highest quality of education possible in all of its academies throughout the procedure.

This policy has been created to handle complaints relating to any aspects of the provision of facilities or services against:

- Any member of staff.
- Any academy within the trust.
- Any local governing board of the trust.
- Individual trustees or the board of trustees.
- The trust as a whole.

It is designed to ensure that the Trust's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress.

This policy outlines the procedure that the complainant and academies within the Trust will follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

The headteacher and/or chair of the Local Governing Committee of the relevant academy will delegate an appropriate person to be the first point of contact during the complaints procedure.

This policy will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;

- allow **swift** handling within clearly defined **time-limits**;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school's Senior Leadership Team and Directors / Governors so that services can be improved.

## Definitions

For the purpose of this policy, a "**complaint**" is defined as 'an expression of dissatisfaction' towards the actions taken or a perceived lack of action. Complaints can be resolved formally or informally.

A "**concern**" is defined as 'an expression of worry or doubt' where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.

Any complaint or concern will be taken seriously, whether raised formally or informally, and the appropriate procedures will be implemented.

The definition of "**unreasonable complaints**" is outlined in the [Managing unreasonable complaints and Behaviour](#) section of this policy.

For the purpose of this policy, "**duplicate complaints**" are identical complaints received from a complainant's spouse, partner or child. These complaints will not be addressed again and the individual making the second complaint will be informed that the complaint has been dealt with on a local level. If the individual is dissatisfied with the result, they can appeal to the ESFA, as outlined in [The role of the ESFA](#) section of this policy. Any new details provided by a complainant's spouse, partner or child, however, will be investigated and managed in line with the complaints procedure.

For the purpose of this policy, "complaints campaigns" are where the trust, or an academy within the trust, receives large volumes of complaints that are all based on the same subject

## Resolving complaints

At each stage of the complaints process the Trust will keep in mind ways in which a complaint can be resolved including by acknowledging that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology
- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that the event complained of will not recur
- an explanation of the steps that have been taken to ensure that it will not happen again
- an undertaking to review school /Trust policies in light of the complaint

## Making a Complaint

The Trust has determined that any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the trust provides. Complaints may also be made by a third party on behalf of a complainant, contingent on appropriate consent having been obtained to do so. All complaints made will be handled via the procedures outlined in this policy.

The complaints procedure has three stages as follows:

- Stage 1 (informal): complaint heard by staff member;
- Stage 2 (formal): complaint heard by either the Principal/Headteacher, Chair of the Local Governing Committee for complaints against the Headteacher / Head of School, Chair of the Board of Directors for complaints against the Chief Executive Officer or the Clerk to the Governing Body for complaints about the Chair of Governors, any individual governor or the whole governing body;
- Stage 3 (formal): complaint heard by the Trust's Complaints Appeal Panel.

There may be occasions when it's necessary or reasonable to deviate from the published complaints procedure. Where this occurs it will be documented with supporting reasons.

A summary of the complaints process is attached at **Appendix A**.

## How to raise a concern or make a complaint

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so. When a complaint is made it is important that as much information is collected as possible and that the complainant is offered the opportunity to identify what actions might resolve their complaint.

Complaints against school staff (except the headteacher) should be made in the first instance, to the headteacher via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to the Chair of the Local Governing Committee, via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the Chief Executive Officer should be addressed to the Chair of Directors, via the Clerk to the Board of Directors, Bishop Hogarth Catholic Education Trust, Carmel College, Darlington, DL3 8RW. Please mark them as Private and Confidential.

Complaints about the Chair of Governors/Vice-Chair of Governors / Directors, any individual governor / Director or the whole Local Governing Committee / Board of Directors should be addressed to the Clerk to the Board of Directors via Bishop Hogarth Catholic Education Trust, Carmel College, The Headlands, Darlington, DL3 8RW. Please mark them as Private and Confidential.

For ease of use, a template complaint form is included at the end of this Policy (**Appendix B**).

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing

information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## Complaints campaigns

Where the trust becomes the subject of a complaints campaign from complainants who are not connected with the Trust or the complaints are all based on the same subject, a standard, single response will be published on the trust's website.

## Stage 1: Informal Complaints

**1. Concerns:** Most concerns, where an individual or a parent/carer seeks intervention, reconsideration or some other action to be taken, can be resolved informally. Examples might include dissatisfaction about some aspect of teaching, student disciplinary matters or issues outside the classroom/school.

Concerns should initially be raised with the Class Teacher, Pastoral Learning Manager, Curriculum Leader or the Principal/Headteacher of the academy concerned as appropriate. The school will respect the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases the complaint may be referred to another staff member. Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the complaint may be referred to another staff member. The school will ensure that informal complaints are resolved within 10 working days of being raised.

**2. Unresolved concerns:** A concern which has not been resolved by informal means within ten working days from the receipt of the complaint can be notified as a formal complaint in accordance with Stage 2 below.

**3. Record of concerns:** In the case of concerns raised under Stage 1 of this procedure, the only record of the concern and its resolution will be file notes by the person dealing with the complaint and/or file correspondence between the person raising the concern and the respondent.

## Stage 2: Formal Complaints

**1. Notification:** An unresolved concern under Stage 1, or a complaint which needs investigation, or a more serious dissatisfaction with some aspect of the school's policies, procedures, management or administration **MUST** be set out in writing with full details and sent with all relevant documents and full contact details for the attention of the Principal/Headteacher of the academy concerned or the Chair of Local Governing Committee, as appropriate (complaints regarding the Principal/Headteacher should go to the Chair of Local Governing Committee). **Complaints lodged at Stage 2 should be made within 3 months of the incident / cause of concern.** We will, however, consider instances of exceptional circumstances.

**2. Acknowledgement:** The complaint will be acknowledged in writing normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken, the likely timescale for resolution and provide a Designated Point of Contact.

**3. Investigation and resolution:** The Principal/Headteacher may deal with the matter personally or delegate a senior member of staff to act as "Investigating Officer." The "Investigating Officer" may request additional information from the complainant and will fully investigate the issue. In most cases the Principal/Headteacher or investigating officer will meet or speak with the parent/carer to

discuss the matter. In exceptional circumstances an independent Investigating Officer may be appointed. Further guidance for Investigating Officers is attached at **Appendix C**.

**4. Review:** Once the investigation is completed, the details of the case and proposed outcome will be passed to the Chief Executive Officer, except in the case where the complaint is against the Chief Executive Officer. The Chief Executive Officer may request additional investigations or actions as necessary.

**5. Outcome:** The aim is to inform any complainant of the outcome of an investigation and the resolution to the complaint within 15 working days from the receipt of the complaint. Please note that any complaint received during an academy holiday or within 15 working days of the end of term or half term may take longer to resolve.

**6. Record of complaints:** Written records will be kept of any meetings and interviews held in relation to the complaint.

**7. Unresolved Complaints:** Where the complainant is not satisfied with the school's response to their complaint they may have their complaint considered by the Complaints Appeal Panel.

## **Stage 3 – Complaint Heard by the Complaints Appeal Panel**

**1. Request:** A request for a complaint to be heard by a Complaints Panel (an appeal) must be made in writing and within 10 working days of the date of the school's decision made at Stage 2.

**2. Acknowledgement:** Where an appeal is received, the school will within 3 working days refer the matter to the Clerk to the Board of Directors who will act as Clerk to the Complaints Panel. The Clerk will acknowledge, in writing, receipt of the appeal within 3 working days and inform the complainant of the steps involved in the process.

The Clerk will be the contact point for the complainant.

**3. Panel Hearing:** The Clerk will aim to convene an Appeal Panel hearing as soon as possible, normally no later than 20 working days after receipt of the Stage 3 request.

**4. Panel Membership:** The Panel will consist of two members of the Board of Directors who have not previously been involved in the complaint, and one person independent of the management and running of the Academy and the Trust. The Panel will select its own Chair. The Trust is satisfied that a governor, from a local Governing Committee at a different school within the MAT, who has no conflict of interest or prior knowledge of the complaint, can be an independent panel member. This is because such person would have no direct involvement with the management and running of the school being complained about.

### **5. The Remit of the Complaints Appeal Panel:**

The Panel can:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the school's/Trust's systems or procedures to ensure that problems of a similar nature do not recur

The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school/ Trust and the complainant. The Panel Chair will ensure that the proceedings are as informal as possible.

**Attendance:** The following are entitled to attend a hearing, submit written evidence and address the Panel;

- The complainant(s) and/or one representative if they wish. Legal representation by either the school or complainant is not encouraged
- The Principal/Headteacher and/or one representative
- Any other person who the Complaints Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making

**Evidence:** All parties will be given the opportunity to submit written evidence to the Panel in support of their position including:

- Documents
- Chronology and key dates
- Written statements setting out further detail

The evidence will be considered by the Panel along with the initial submission.

All written evidence must be received by the Clerk no later than 10 working days in advance of the Panel Hearing. The Clerk will distribute the evidence to all parties no later than 5 working days in advance of the Panel Hearing.

## **6. The role of the ESFA**

If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State. If a complainant wishes to escalate a complaint, the Trust will refer them to the relevant [contact form](#), and prompt them to follow the instructions on this form to submit a complaint to the Secretary of State.

The ESFA will not overturn the Trust or panel's decision about a complaint or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the Trust has:

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

When making a final decision about a complaint, the Trust reserves the right to seek advice from the ESFA on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

The ESFA cannot deal with all types of complaint and you may need to contact a different agency as follows:

Complaint	Who to contact
Data protection	<a href="#">Information Commissioner's Office</a>
Discrimination	<a href="#">Equality Advisory and Support Service</a>
Employment	<a href="#">employment tribunal</a>
Exam malpractice or maladministration	<a href="#">Ofqual</a> and the awarding body

### Ofsted

You can [complain to Ofsted](#) about any state school if there is a problem that affects the whole school. This includes problems with the quality of education or poor management.

You should get a response within 30 working days. The response will tell you if Ofsted will investigate or not, and why.

[Download 'Complaints to Ofsted about schools' \(PDF, 46KB\)](#)

## Roles and Responsibilities

**The Role of the Complainant:** The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:

- Co-operates with the school in seeking a solution to the complaint;
- Expresses the complaint in full as early as possible;
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- Asks for assistance as needed;
- Treats all those involved in the complaint with respect.

**The Role of the Investigating Officer:** The Investigating Officer is the person involved at Stage 2 of the procedure. The Investigating Officer's role is to-

- Provide a comprehensive, open, transparent and fair consideration of the complaint through:-
  - Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved;
  - Consideration of records and other relevant information;
  - Interviewing staff and children/young people and other people relevant to the complaint;
  - Analysing information;
- Effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- Identifying solutions and recommending courses of action to resolve problems;
- Being mindful of the timescales to respond; and
- Responding to the complainant in plain and clear language.

The person investigating the complaint should make sure that they:

- Conduct interviews with an open mind and be prepared to persist in the questioning;
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting.

**The Role of the Clerk (Clerk to the Board of Directors):** The Clerk is the contact point for the complainant for the panel meeting and is expected to:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;

- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Circulate the minutes of the panel hearing;
- Notify all parties of the panel's decision
- Liaise with the complaints co-ordinator.
- Deal with complains concerning the entire Governing Board.
- Ensure that all people involved in the complaint procedure are aware of the legislation around complaints including the [Equality Act 2010](#), [Data Protection Act 2018](#) and [Freedom of Information Act 2000](#);
- Liaise with staff members, principal, Chair of Governors and Clerk to ensure the smooth running of the complaints procedure;
- Be aware of issues regarding:
  - Sharing third party information;
  - Additional support (this may be needed by complainants when making a complaint including interpretation support)

**The Role of the Panel Chair:** The Panel Chair has a key role in ensuring that:

- The meeting is minuted;
- The remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made
- Parents/carers and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- The layout of the room will set the tone – care is needed to ensure the setting is informal and not adversarial;
- The panel is open-minded and acts independently;
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure;
- Both the complainant and the school are given the opportunity to state their case and seek clarity;
- Written material is seen by everyone in attendance (If a new issue arises it will be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment o the hearing);
- Liaise with the Clerk and complaints co-ordinator.

**The Role of the Panel Member(s):** The Panellists will need to be aware that:

- It is important that the review panel hearing is independent and impartial, and that it is seen to be so; No governor may sit on the panel if they have had prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does

not find in their favour, it may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.

- Many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing; Careful consideration of the atmosphere and proceedings will ensure that the child/young person does not feel intimidated. The panel should respect the views of the child/young person and give them equal consideration to those of adults. If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend. The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.
- The welfare of the child/young person is paramount.

A checklist for a Panel Hearing is attached at **Appendix D**.

**Decision:** The Panel will reach a decision, and make any recommendations within 15 working days of the hearing. The decision reached is final.

**Notification of the Panel's Decision:** The Panel's decision will be sent in writing by the Clerk, to the complainant (copied to the Principal/Headteacher and the Chief Executive Officer) and where relevant, to the person complained about. The letter will state the reasons for the decision reached and any recommendations made by the Panel. Copies of the minutes redacted where necessary will also be made available to the complainant and where relevant, the person complained about.

## Legal representation

In the event that a complaint progresses to Stage 3, it is recommended that neither the complainant nor the school /Trust bring legal representation. These committees are not a form of legal proceedings. The aim of the Directors committee should be:

- reconciliation
- to put right things that may have gone wrong

We recognise there are occasions where legal representation may be appropriate for example, if a school employee is a witness in a complaint, they may be entitled to bring union or legal representation.

## Complaints about the curriculum

Complaints about the content of the national curriculum should be sent to [DfE](#).

Complaints about the delivery of the curriculum should be sent to the School using the complaints procedure. This includes:

- religious education (RE)
- sex and relationships education

The duty on local authorities to consider complaints of this nature was removed under section 45 of the Education Act 2011.

## **Withdrawal from the curriculum**

Parents and carers can withdraw their child from any aspect of Religious Education (RE), including the Daily Act of Collective Worship (DACW). They do not have to explain why.

If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, you should advise them to follow your complaints procedure.

The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history or citizenship.

## **Record Keeping & Confidentiality**

The School/Trust will keep a written record of all complaints and appeals investigated at Stage 2 and 3, including decisions, recommendations and any action taken by the school and/or Trust as a result. A record of all complaints together with the outcome will be maintained in each School and reported to their Local Governing Committees through the Headteacher report and through an annual report on complaints.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

## **Managing Unreasonable Complaints and Unreasonable Behaviour**

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 Committee/Board of Directors is able to inform them in writing that the procedure has been exhausted and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as vexatious and there will be no obligation on the part of the school/Trust to respond. It is important to note, however, that should a complainant raise an entirely new separate complaint that it must be responded to in accordance with this complaints procedure. Please see **Appendix E** for further details of how Unreasonable Complaints and Unreasonable Behaviour complaints will be dealt with and examples of behaviour which will not be tolerated.

## **Reporting**

Local Governing Committees and the Standards Committee will receive a termly anonymised summary of all compliments, complaints and suggestions via the Headteacher Report.



## Summary of dealing with complaints

Stage 1 – Complaint heard by staff member

- Ensure complaints co-ordinator informed of outcome

If not resolved, then escalate to Stage 2 – Complaint heard by **Headteacher / Head of School or Chair of Local Governing Committee or Chair of the Board of Directors** for complaints against the Headteacher / Head of School or the Chief Executive Officer

- Acknowledge receipt of complaint
- Write to complainant with outcome of investigation
- Ensure complaints co-ordinator informed of outcome
- Offer escalation to Stage 3 if dissatisfied

If not resolved, then escalate to Stage 3 – **Complaints Panel** meeting arranged

- Issue letter inviting complainant to meeting
- Issue letter confirming panel decision
- Ensure complaints co-ordinator informed of outcome

Advise of escalation routes to the Secretary of State for Education via the Education Funding Agency.

**Complaint Form**

Please complete and return to Headteacher / Clerk (complaints co-ordinator) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint.</b>

**What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the result)?**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

## Stage 2 Formal Complaints: Supplemental Guidance to Investigating Officers

### Investigating Complaints General

1. It is suggested that at each stage, the person investigating the complaint (the Investigating Officer), makes sure that they:
  - establish what has happened so far, and who has been involved;
  - clarify the nature of the complaint and what remains unresolved;
  - meet with the complainant or contact them (if unsure or further information is necessary);
  - clarify what the complainant feels would put things right;
  - interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
  - conduct the interview with an open mind and be prepared to persist in the questioning;
  - keep notes of the interview or arrange for an independent note taker to record minutes of the meeting

### Stage 2 Specific Guidance

#### Acknowledgement

2. The complaint will be acknowledged in writing normally within 3 working days of receipt during term time and as soon as practicable during the holidays. The acknowledgement will indicate the action that is being taken and the likely timescale for resolution. The letter will be accompanied with the Complaints Form (attached) which should be returned to the Investigating Officer to aid their enquiries.

#### Investigation and resolution

3. The Investigating Officer will ask relevant staff to formally record their recollection of the events including timelines and details of correspondence and file/meeting notes that are relevant to earlier stages.
4. In addition, the Investigating Officer will invite the complainant to meet him/her to give the complainant the opportunity to present oral evidence or to clarify the complaint. The complainant may be accompanied by a friend. The Investigating Officer will record the details of the complaint and a copy of the notes will be provided to the complainant and the relevant staff.
5. The Investigating Officer will collect such other evidence as is deemed necessary. This may include the interviewing of witnesses and others who may provide relevant information.
6. The Investigating Officer will provide relevant staff with a copy of the complaint and the complaints form together with any additional evidence presented by the complainant or collected by the Investigating Officer. Once there has been an opportunity for relevant staff to consider the evidence, they will be invited to meet separately with the Investigating Officer, in order to present written and oral evidence in response. Staff may be accompanied at this meeting by a work colleague or representative

The investigation will be undertaken as soon as possible and will be completed within 15 working days of receipt of the formal complaint. Please note that any complaint received during an academy holiday or within 15 working days of the end of term or half term may take longer to resolve. The Complainant must be informed of this in the letter of acknowledgement.

The Investigating Officer will inform the complainant and relevant staff in writing of the outcome of the investigation which may be to:

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the Trust's / School's systems or procedures to ensure that problems of a similar nature do not recur

A written record of the complaint investigation, including all correspondence, statements, recommendations will be taken.

### **Interviewing Best Practice Tips**

Children/young people:

- Children/young people should be interviewed in the presence of another member of staff, or in the case of serious complaints (e.g. where the possibility of criminal investigation exists) in the presence of their parents/carers. However, it might not always be possible to conduct an interview in case it prejudices a LADO or police investigation.
- Care should be taken in these circumstances not to create an intimidating atmosphere.
- Children/young people should be told what the interview is about and that they can have someone with them.

All – Including Staff/Witnesses:

- Explain the complaint and your role clearly to the interviewee and confirm that they understand the complaints procedure and their role in it.
- Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- Use open, not leading questions.
- Do not express opinions in words or attitude.
- Ask single not multiple questions, i.e. in question at a time.
- Try to separate 'hearsay' evidence from fact by asking interviewees how they know a particular fact.
- Persist with questions if necessary. Do not be afraid to ask the same question twice. Make notes of each answer given.
- Deal with conflicting evidence by seeking corroborative evidence. If this is not available, discuss with the complaints Co-ordinator/Principal/Chair of Governors the option of a meeting between the conflicting witnesses.
- Make a formal record of the interview from the written notes as soon as possible while the memory is fresh. Show the interviewee the formal record, ask if s/he has anything to add, and to sign the record as accurate.

### Checklist for a Panel Hearing

- The hearing is as informal as possible
- Witnesses are only required to attend for the part of the hearing in which they give their evidence
- After introductions, the Chair will invite the complainant to explain their complaint, and be followed by their witnesses
- The Chair will invite the CEO/Principal/Headteacher to question both the complainant and the witnesses after each has spoken
- The CEO/Principal/Headteacher is then invited to explain the academy's actions and be followed by the academy's witnesses
- The complainant may question both the CEO/Principal/Headteacher and the witnesses after each has spoken
- The panel may ask questions at any point
- The complainant is then invited to sum up their complaint
- The CEO/Principal/Headteacher is then invited to sum up the academy's actions and response to the complaint
- Both parties leave together while the panel decides on the issues
- The chair explains that both parties will hear the panel within 10 working days
- The Chair to explain the list of potential outcomes available to the Panel.

## Policy Unreasonable Complaints and Unreasonable Behaviour

### Unreasonable Complaints

Bishop Hogarth Catholic Education Trust is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complaints have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

If the Headteacher considers that a complainant's behaviour is unacceptable the complainant will be told why their behaviour is deemed to be unreasonable and will be asked to change it. If the unacceptable behaviour continues the Headteacher will take action to restrict the complainant's contact with the school (See Barring from School Premises).

For the purposes of this policy, “**unreasonable complaints**” include:

- Vexatious complaints, which:
  - Are obsessive, persistent, harassing, prolific, or repetitious.
  - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
  - Insist upon pursuing meritorious complaints in an unreasonable manner.
  - Are designed to cause disruption or annoyance.
  - Demand for redress which lacks any serious purpose or value.
- Serial or persistent complaints, which:
  - Are duplicated, sent by the same complainant once the initial complaint has been closed.
  - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

A complaint may also be regarded as unreasonable when the complainant:

- Refuses to articulate their complaint or specify the groups of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- Refuses to accept that certain issues are not within the scope of a complaints procedure;
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- Changes the basis of the complaint as the investigation proceeds;
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);

- Refuses to accept the findings of the investigation into the complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the ESFA;
- Seeks unrealistic outcome;
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- Maliciously;
- Aggressively;
- Using threats, intimidation or violence;
- Using abusive, offensive or discriminatory language;
- Knowing it to be false;
- Using falsified information;
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial', meaning the complainant can complain about a separate issue if necessary. The Trust will act reasonably and consider any new complaint made

**Under no circumstances should a complainant be marked as 'serial' for exercising their right to refer their complaint to their MP, regardless of which stage the complaint has reached.**

If the behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

If an individual persists to the point that may constitute harassment, you should seek legal advice.

Once the decision has been made that it is appropriate to stop responding, then the individual will be informed.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from Trust schools.

## **When to Stop Responding**

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns
- The complainant has been given a clear statement of the trust's position and their options
- The complainant contacts the trust or any of its academies repeatedly, making substantially the same points each time

The case to stop responding is stronger if you agree with one or more of these statements:

- their letters, emails, or telephone calls are often or always abusive or aggressive
- they make insulting personal comments about or threats towards staff
- you have reason to believe the individual is contacting you with the intention of causing disruption or inconvenience

You should not stop responding just because an individual is difficult to deal with or asks complex questions.

## **Communication strategy for persistent correspondents**

For complainants who excessively contact the Trust causing significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months. Examples include:

- restrict the individual to a single point of contact via an email address
- limit the number of times they can make contact, such as a fixed number of contacts per term

## **Barring from School Premises**

The decision to restrict access to the school will be taken by the Principal/Headteacher and will normally follow a prior warning to the complainant. Any restrictions imposed will be appropriate and proportionate. The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only);
- requiring contact to take place with a named member of staff;
- restricting telephone calls to specified days and times; and/or
- asking the complainant to enter into an agreement about their future contacts with us.

In all cases where we decide to treat someone as an unreasonably persistent complainant, we will write to tell the complainant why we believe his or her behaviour falls into that category, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it. If we decide to carry on treating someone as an unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint we will simply acknowledge it or place it on the file with no acknowledgement.

New complaints from people who have come under the unreasonably persistent complainant's policy will be treated on their merits.

### **Decision to Stop Responding**

The decision to stop responding will not be taken lightly. The Trust would need to be able to say 'yes' to all of the following:

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

The case is stronger if the Trust agrees with one or more of the following:

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

The Trust will not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what the Trust can refuse to respond to, not the correspondent.

The Trust will provide parents with the information they are entitled to under [The Education \(Pupil Information\) \(England\) Regulations 2005](#). However, where an individual's behaviour is causing a significant level of disruption the Trust may implement a tailored communication's strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact, for example, a fixed number of contacts per term.

Complainants have a right to have any new complaint heard and failure to respond at all to a complainant could mean that the trust is failing to comply with its legal obligations. The trust will ensure that we are acting reasonably and that any genuine complaint will still be heard.

If Trust staff find it difficult to deal directly with the complainant because of their unreasonable behaviour and other strategies are not working, staff will be able to approach the Governance Manager for assistance. If this is agreed complainants can be advised not to contact the school directly, but instead with the Governance Manager who will co-ordinate any response.

Complainants who may have been restricted in their communications with the school can also be advised to ask a third part to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the Trust considers it to constitute harassment, legal advice will be sought as to the next steps. In some cases, it may lead to injunctions and other court orders.

Different procedures apply to Freedom of Information (FOI) and Data Protection (DP) correspondence. The Trust will seek advice from the FOI and DP Officer with regards to this.

Once the Trust has decided that it is appropriate to stop responding, we will let the complainant know in writing.

## **Barring from School Premises**

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. Trust schools will therefore act to ensure they remain a safe place for pupils, staff and other members of their community. (See also, [controlling access to school premises](#))

If an individual's behaviour is a cause for concern, a Trust school can ask him/her to leave the school premises. In serious cases, the Headteacher with the authority of the Chief Executive Officer can notify the parties involved in writing that their implied licence to be on school premises has been temporarily revoked subject to any representations that they may wish to make. Our Trust schools will always give the individual the opportunity to formally express their views on the decision to bar in writing.

This decision to bar will be reviewed by the chair of the Local Governing Committee, or the Chair of the Board of Directors where escalated, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of the school's staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Anyone wishing to complain about being barred can do so, by letter or email, to the Principal/Headteacher, Chief Executive Officer or the Chair of Governors. However, complaints about barring cannot be escalated to the Department for Education. Once the school's own complaints procedure has been completed, the only remaining avenue of appeal is through the Courts. Individuals wishing to exercise this option should seek independent legal advice.