



The Wythenshawe Catholic Academy Trust

# COMPLAINTS PROCEDURE

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St Paul's Catholic High School  
St Elizabeth's Catholic Primary School  
St Anthony's Catholic Primary School  
SS John Fisher and Thomas More Catholic Primary School

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Schools within the Wythenshawe Catholic Academy Trust:

- St Paul's Catholic High School
- St Anthony's Catholic Primary School
- St John Fisher and St Thomas More Catholic Primary School
- St Elizabeth's Catholic Primary School

This procedure will be published on the school's website and will be referred to in the school's brochure.

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## **1. Introduction**

- i. The Wythenshawe Catholic Academy Trust (referred to hereafter as the Trust) is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain.
- ii. The Trust expects that most concerns can be resolved informally and that complaints are treated seriously and confidentially whether raised informally or formally.
- iii. 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.
- iv. The Trust will not normally limit the contact complainants have with one of the schools. However, the Trust does not expect its employees to tolerate unacceptable behaviour and will take action to protect its employees from that behaviour, including that which is abusive, offensive or threatening.

## **2. Scope of the procedure**

- i. This procedure applies to all schools within the Trust, currently consisting of St Paul's Catholic High School, St Anthony's Catholic Primary School, St John Fisher and St Thomas More Catholic Primary School and St Elizabeth's Catholic Primary School.
- ii. This procedure applies to parents, carers and guardians of children attending schools within the Trust, members of the public and visitors to a school within the Trust.
- iii. The Trust expects that most concerns can be resolved informally and recognises that the majority of issues raised are concerns rather than complaints. The schools within the Trust will endeavor to consider and resolve complaints as quickly, and efficiently as possible and without the need to escalate to more formal procedures. However, where initial attempts to resolve the issue are unsuccessful and a resolution is not achieved and the person raising the complaint remains dissatisfied and wishes to take the matter further, the formal part of the procedure will be invoked.
- iv. Anonymous complaints will not be considered.
- v. Where the first approach is made to a Governor, the complaint will be referred to the Headteacher. A Governor will not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case he/she are needed to sit on a panel at a later stage of the procedure.
- vi. This procedure is compliant with 'The Education (Independent Schools Standards) Regulations 2014, Part 7 – Manner in which complaints are handled'.

- vii. Complaints not in scope of the procedure are found at Appendix A.
- viii. Advice on how to deal with serial, persistent and unreasonable complaints can be found at Appendix B.
- ix. A model complaints form can be found at Appendix C.
- x. Should a complaint be referred to an Appeal Hearing Panel, the proceedings of the hearing can be found at Appendix D.

### 3. Roles and Responsibilities

- i. **The Complainant** The complainant or person who makes the complaint should express the complaint in full as early as possible.
- ii. **The Investigator** The Investigator is the person/s involved in Stages 1 and 2 of the procedure and will provide a comprehensive, open, transparent and fair consideration of the complaint. The investigator will also identify solutions and recommend courses of action to resolve problems.
- iii. **The Panel Clerk (this could be Clerk to the Governors)** The Clerk is the contact point for the complainant for the panel meeting and will set the date, time and venue of the hearing and collate any written material and send it to the parties in advance of the hearing. The Clerk will liaise with staff members, the Headteacher and Chair of Governors to ensure the smooth running of the complaints procedure;
- iv. **The Panel Chair** The Panel Chair will ensure that the issues are addressed and the key findings of fact are made. The Chair will also ensure that the panel is open-minded and acts independently and that 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
- v. **Panel Member** Panelists will be aware that 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. No Governor may sit on the panel if he/she have had a prior involvement in the complaint or in the circumstances surrounding it. The panel will be made up of three members, one of which will be completely independent of the management and running of the school or the Trust.

### 4. Timelines

- i. Every complaint shall receive fair and proper consideration and a timely response but in order for the school to investigate a complaint, it needs to be made as soon as possible after an incident arises and within three months of an event.
- ii. Upon receipt of a written complaint, an acknowledgement will be sent in writing within three working days.
- iii. It is expected that most issues would be resolved at stages 1 and 2 of the procedure within ten working days of receipt of the complaint, or escalation from stage 1 to stage 2 within ten further working days. If the

matter proceeds to stage 3 of the procedure it is expected that the matter will be addressed within fifteen working days of the matter being escalated from stage 2. Should any stage require more time then the school will inform the complainant of this in writing as soon as this is known.

- iv. Intervention of parallel investigations relevant to the complaint by the Police or other outside agencies may cause variation to the time scales. Any such variation will be notified to the complainant.

## **5. Stages**

- i. The Trust has determined that there are three stages in this procedure. This procedure intends to try and deal with the complainant, to the satisfaction of the complainant, at the earliest possible stage. Only if the complaint cannot be resolved informally (stage 1) would it be escalated to the formal stage. Only if the complaint cannot be subsequently resolved at the formal stage (stage 2) should it be escalated to a Governors Appeal Panel (stage 3).
- ii. At each stage of the complaints procedure the investigator responsible will consider how the complaint may be resolved. In considering how a complaint may be resolved the investigator will give due regard to the seriousness of the complaint.

## **6. Stage 1 Informal Resolution**

- i. A meeting will be held with the complainant with the intention of providing an informal resolution to the complaint. This meeting could take place with the class teacher, the Deputy Headteacher or other members of staff without the need to resort to the formal stage of the procedure as many enquiries and concerns can be satisfactorily dealt with informally. If the matter required further investigation or the member of staff needs to establish the facts, he/she will either meet the complainant again to discuss or resolve the matter directly or may provide a written response, including a full explanation of the decision and the reasons for it. Where appropriate an explanation of what the school will do to resolve the issue will be included.
- ii. The school will endeavor to resolve any informal concerns or complaints within ten working days of them being raised, except where they are raised during school holidays. In these cases, the school will strive to resolve the complaint as soon as possible after the commencement of the new term.
- iii. A written record of the complaint and the date on which it was received will be kept and if appropriate a record of all meetings and interviews held in relation to the complaint.

## **7. Stage 2 Formal Resolution**

- i. The complaint is put in writing and is heard by the Headteacher. The Headteacher will offer the complainant an opportunity to meet with

him/her, to give the complainant an opportunity to provide additional information.

- ii. The school will endeavor to resolve any formal complaints within ten working days of them being raised, except where they are raised during school holidays. In these cases, the school will strive to resolve the complaint as soon as possible after the commencement of the new term.
- iii. Once the Headteacher has established the facts, he/she will provide a written response, including a full explanation of the decision and the reasons for it no later than ten working days after the date of the meeting to discuss the matter. Where appropriate an explanation of what the school will do to resolve the issue will be included in the letter.
- iv. If the complainant is dissatisfied with the result at stage 2 he/she should notify the Chair of Governors as appropriate in writing within ten working days of receiving the Headteacher's written response.
- v. A written record will be kept the complaint and the date on which it was received and a record of all meetings and interviews held in relation to the complaint.

#### **8. Stage 3 Appeal Panel**

- i. The complaint is put in writing to the Chair of the Governing Body who will arrange for the complaint to be heard by a Governors Appeal Panel. The Appeal Panel will consist of three Governors, one of which will be independent of the management and running of the school or the Trust.
- ii. The Hearing will normally be convened within fifteen working days following escalation from stage 2 except where they are raised during school holidays. In these cases, the Appeal Panel will strive to resolve the complaint as soon as possible after the commencement of the new term.
- iii. The complainant is entitled to be accompanied at a panel hearing if he/she wish by a person who has a reasonable interest in the appeal and whose contribution would assist the Appeal Panel in their decision making. Legal representation will not normally be appropriate.
- iv. If the complainant or Headteacher wishes to submit any documentation to be considered, the evidence will be initially sent to the Clerk, who will circulate the documentation to all parties, including the Appeal Panel along with the order of proceedings at Appendix D. All written evidence must be received by the Clerk no later than ten working days in advance of the hearing. The Clerk will ensure distribution of the evidence to all parties no later than five working days in advance of the hearing.

- v. The complainant will be notified of the outcome in writing as soon as possible, but in any event, within three working days of the panel meeting.
- vi. The findings of an Appeal Panel are final.

#### **9. Process for dealing with complaints against the Headteacher or a Governor**

- i. If the complaint is about the Headteacher or a Governor then the Chair of Governors will consider the complaint at the informal stage. If the complaint is about the Chair of Governors then the complaint should be made in writing to the Clerk of the Governing Body.

#### **10. Concluding the investigation**

- i. At any stage during the investigation, there may be occasions where in order to bring the complaint to a resolution the complainant may be offered any of the following:
  - An explanation;
  - An apology;
  - An admission that the situation could have been handled differently or better;
  - An appropriate redress where necessary;
  - Reassurance of steps that have been taken to prevent a recurrence of the relevant events;
  - Recommend a review to the Trust's policies or procedures in light of the complaint.
- ii. When the investigation has been concluded the complainant and/or the member of staff concerned will be informed in writing of the outcome. This may be to the effect that:
  - There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
  - The evidence did not substantiate the concern, so the complaint cannot be upheld;
  - The complaint was substantiated in part or full. A brief description should then be given of the remedial action being taken by the school as a consequence of the complaint;
  - Details of the investigation or of any disciplinary procedures to be taken against a third party cannot be released;
  - The matter has been fully investigated and as a consequence further confidential procedures are being pursued.
- iii. All parties will be notified of the panel's decision in writing within three working days after the date of the hearing.

- iv. If no further communication is received from the complainant within ten working days it is deemed the complaint has been resolved and is closed.
- v. If a complaint has been through all stages of the school's complaints procedure but the complainant remains dissatisfied, he/she can ask the Education Funding Agency (EFA) to review the handling of the complaint.

## **APPENDIX A Complaints outside of this procedure**

This complaints procedure covers all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs (SEN)</li> <li>• School re-organisation proposals</li> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: <a href="mailto:whistleblowing@ofsted.gov.uk">whistleblowing@ofsted.gov.uk</a> or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.</p>
<ul style="list-style-type: none"> <li>• Staff grievances and disciplinary procedures</li> </ul>	<p>These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities.</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. They should be contacted direct.</p>

## **APPENDIX B Serial, persistent and unreasonable complaints**

The school will do its best to be helpful to people who contact them with a complaint. The purpose of this procedure is to identify all of the facts that are pertinent to the complaint so that it can be resolved to the satisfaction of the complainant. However, there may be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied.

In situations where the school recognises it has done everything it can in response to a complaint it will weigh up whether it is a poor use of schools' time and resources to reply to repeated letters, emails or telephone calls making substantially the same points.

If the complainant then tries to reopen the same issue, the Headteacher or Chair of the Governing Body will inform them in writing that the procedure has been exhausted and that the matter is now closed.

If the complainant contacts the school again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the school may choose not to respond.

The application of a 'serial or persistent' marking will be against the subject or complaint itself rather than the complainant.

The school will stop responding in the following situations:

- The school 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);
- The complainant is contacting the school repeatedly but making substantially the same points each time;
- The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience and has been advised of this belief by letter, email or telephone call;
- The complainant's letters/emails/telephone calls are often or always abusive or aggressive;
- The complainant contacts the school repeatedly but making substantially the same points each time;
- The complainant makes insulting personal comments about or threats towards staff.

Once the school has decided that it is appropriate to stop responding, they will inform the complainant through a hard copy letter.

In certain circumstances and if a complainant persists to the point that the school considers it to constitute harassment, legal advice will be sought as to the next steps. In some cases, injunctions and other court orders may be issued to complainants because of their behaviours.

Examples of complaints that may be regarded as unreasonable when the person making the complaint:

- refuses to specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance from the Trust's staff;
- 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 despite having been provided with information about the scope of this 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 or what may appear to be groundless complaints about staff who are trying to deal with the complaint and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds and/or denying statements he/she made at an earlier stage;
- Introducing new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed questions which are particularly time consuming and costly to respond to and insisting they are all fully answered;
- Electronically recording meetings and conversations without the prior knowledge and consent of the persons involved;
- 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 that complaint where the school's complaint procedure has been followed;
- seeks an unrealistic outcome;
- makes excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephone calls or sending e-mails to numerous school staff, writing lengthy complicated letters every few days and expecting immediate responses.

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.

**APPENDIX C Complaints form**

Please complete and return to the school who will acknowledge receipt and explain what action will be taken.

1. Basic Information

Your name:

Pupil's name (if applicable):

Your relationship to the pupil:

Address:

Day time telephone number:

Evening telephone number:

2. Please give specific details of your complaint against the school.

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

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

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

Signature: \_\_\_\_\_.

Date: \_\_\_\_\_.

## **APPENDIX D Proceeding of the Hearing Panel**

1. The Chair of the Governors Appeal Panel should open the meeting stating the purpose and the format of the meeting to clarify this to all in attendance.
2. People present should introduce themselves stating their reason for being at the meeting.
3. The Clerk will take notes of the meeting, listing who is present and make everyone aware of the confidential nature of the process.
4. The Chair of the Governors Appeal Panel will request a verbal statement from the complainant in support of his/her written letter of complaint and why he/she feels the issue has not been resolved. The Governors Appeal Panel members can ask questions to make sure they understand the issue from the parent's point of view.
5. The complainant is invited to call any witnesses.
6. The Headteacher may question the witnesses after each has spoken.
7. The Governors Appeal Panel may question the witnesses after each has spoken.
8. The Headteacher may question the complainant.
9. The Chair of the Governors Appeal Panel will request a verbal statement from the Headteacher (or his/her representative) in support of his/her written account of the complaint and the steps taken to resolve the issue. The Governors Appeal Panel members can ask questions to make sure they understand the issue from the Headteacher's point of view.
10. The Headteacher is invited to call any witnesses
11. The complainant may question the witnesses after each has spoken.
12. The Governors Appeal Panel may question the witnesses after each has spoken.
13. The complainant may question the Headteacher.
14. Members of the Governors Appeal Panel should make sure they fully understand the issues and ask any further questions to clarify any points that are still not clear to them.
15. The Chair of the Governors Appeal Panel will ask the complainant and the Headteacher (or her representative) if they are satisfied that they have provided all the information they wanted or if there is something they wish to add and if they feel they have had a fair hearing.
16. When the Governors Appeal Panel members understand all the issues, the chair will ask all parties to leave except the panel members and the clerk.
17. The Governors Appeal Panel members discuss the issues in private and the clerk remains to record the decision.
18. When the Governors Appeal Panel have reached a decision the Clerk will inform everyone concerned in writing as soon as possible, but in any event, within three working days of the panel meeting. The letter will also contain what the complainant will need to do if he/she wish to take the matter further.
19. A record will be kept of the outcome of the hearing.
20. The complaint will be reported at the next full Governing Body Meeting.