



EDITH STEIN **CATHOLIC ACADEMY TRUST**

COMPLAINTS POLICY

APPROVED BY TRUSTEES	JULY 2025
SCRUTINISED BY LOCAL GOVERNING BODY	JULY 2025
DATE LAST REVIEWED	JUNE 2025
MEMBER OF STAFF RESPONSIBLE	CHIEF EXECUTIVE OFFICER
STATUTORY / NON-STATUTORY	STATUTORY



1.0 Introduction

- 1.1 Edith Stein Catholic Academy Trust (ESCAT) prides itself on the quality of provision provided for students in its schools. In the Trust concerns raised are of a particular importance, particularly those raised by parents. As the first educators of their children, parents have a duty to take an active interest in their school. *“Since parents have given children their life, they are bound by the most serious obligation to educate their offspring.”* (Gravissimum Educationis). To this end *“there must be the closest cooperation between parents and teachers to whom they entrust their children to be educated. In fulfilling their task, teachers are to collaborate closely with the parents or guardians and willingly listen to them”* (Can. 796). Within the ESCAT and its schools therefore, dealing with concerns is an intrinsic part of our ethos and mission.
- 1.2 A climate of openness and partnership is essential. The Trust takes all concerns and complaints seriously and is committed to seek to resolve any matter raised in a positive way and make any identified improvements.
- 1.3 No-one likes criticism but an open organisation will always be willing to listen to concerns and anxieties and be ready to learn from them if appropriate. In a school, most concerns are likely to be expressed by the parents or carers of its pupils, though some may come from pupils themselves, former pupils, parishioners, or from other interested parties such as neighbours or users of the premises. It is appropriate for a complaint to be processed from wherever it arises. For the purposes of this policy all references to schools include academies.
- 1.4 Nearly all concerns or questions can be resolved very quickly and informally if parents/carers feel able to voice them as soon as they arise. Obviously, the more information the school gives to them the less scope there is for misunderstanding. As part of this information, parents/carers should be told that feedback is always welcome and that, therefore, they are warmly encouraged to voice any concerns straightaway, preferably to the person concerned. In most cases, discussion, explanation, further information – or an apology, if appropriate – will resolve the issue. Every effort should be made to allay concerns at this level and with the least possible formality. The ideal is that no concern should ever become a formal complaint.
- 1.5 Occasionally, however, a concern will be too serious to be handled in this way, perhaps needing greater investigation; or the person concerned may not feel that the answers given so far have been acceptable or adequate. In such circumstances, the concern will become a complaint and the formal procedure should be rigorously followed. Even in these cases, every effort should be made to resolve the issue at the lowest possible level of the procedure. It should be very rare indeed that a complaint needs to be decided at the Appeal Stage by a Complaints Appeals Panel.
- 1.6 Throughout this policy the term ‘Headteacher’ can refer to the Executive Headteacher, the Headteacher or the Head of School.

2.0 Who can make a complaint?

- 2.1 This complaints procedure is not limited to parents or carers of children that are registered at the schools. Any person, including members of the public, may make a complaint to the Trust about any provision of facilities or services that its schools provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

2.2 The Complaints policy does not apply to:

- Members of staff (who should use the School's Grievance Procedure)
- Complaints dealt with under separate statutory procedures (e.g. appeals relating to exclusions or admissions)

See 'Scope of this complaints procedure'.

3.0 The Difference between a Concern and a Complaint

3.1 A concern may be defined as '*an expression of worry or doubt over an issue considered to be important for which reassurances are sought*'.

3.2 A complaint may be defined as '*an expression of dissatisfaction however made, about actions taken or a lack of action*'.

3.3 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Trust's schools take concerns seriously and will make every effort to resolve the matter as quickly as possible.

3.4 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher, will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

3.5 We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the Trust's schools will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

4.0 How to raise a Concern or make a Complaint

4.1 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.

4.2 Concerns should be raised with either the Form Tutor, Class Teacher, Head of Year, Head of Department, or Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

4.3 Complainants should not approach individual Governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 or Stage 3 of the procedure.

4.4 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.

4.5 Complaints that involve or are about the Headteacher should be addressed to the Chair of Governors, via the school office. Please mark them as Private and Confidential.

4.6 Complaints about the Chair of Governors, any individual Governor or the whole Governing Body should be addressed to the Clerk to the Governing Body, via the school office. Please mark them as Private and Confidential.

- 4.7 For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like the Citizens Advice to help you.
- 4.8 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.

5.0 Anonymous Complaints

- 5.1 We will not normally investigate anonymous complaints. However, the headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

6.0 Timescales

- 6.1 You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

7.0 Complaints received outside of Term Time

- 7.1 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

8.0 Scope of this Complaints Procedure

- 8.1 This procedure covers all complaints about any provision of community facilities or services by ESCAT schools, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	Appeals procedure
Statutory assessments of Special Educational Needs	Local Authority
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-disciplineexclusions/exclusions . <i>*complaints about the application of the Behaviour Policy can be made through the school's complaints procedure.</i>

Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Complaints about services provided by other providers who may use school premises or facilities	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
National Curriculum - content	Please contact the Department for Education at: www.education.gov.uk/contactus

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

8.3 If a complainant commences legal action against the Trust or one of their schools in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

9.0 Resolving Complaints

9.1 At each stage in the procedure, the school wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

10.0 Withdrawal of a Complaint

- 10.1 If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

11.0 Stage 1 - Informal complaints

- 11.1 It is to be hoped that most concerns can be expressed and resolved on an informal basis, even if the term formal complaint is used during the first contact with the school.
- 11.2 Concerns should be raised with either the Form Tutor, Class Teacher, Head of Year, Head of Department, or Headteacher.
- 11.3 Complainants should not approach individual Governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.
- 11.4 The school should invite complainant into school to discuss the concerns that have been raised. At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 10 school days of the date of receipt of the complaint.
- 11.5 If the issue remains unresolved, the next step the complainant can take is to request that the issue is addressed through a Stage 2 Formal complaints process.

12.0 Stage 2 – Formal Complaints

- 12.1 Formal complaints (Stage 2) must be made to the Headteacher (unless they are about the Headteacher), via the school office. This must be done on the Formal Complaints Form (Appendix 1).
- 12.2 The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Alongside this acknowledgement, a copy of the ESCAT Complaints Policy will be sent (either hardcopy or electronic copy).
- 12.3 Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face to face meeting or correspondence is the most appropriate way of doing this.

Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

- 12.4 During the investigation, the Headteacher (or investigator) will:
- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
 - keep a written record of any meetings/interviews in relation to their investigation.
- 12.5 At the conclusion of their investigation, the Headteacher will provide a formal written response within 10 school days of the date of receipt of the complaint.
- 12.6 If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 12.7 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

- 12.8 The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.
- 12.9 If the complaint is about the Headteacher, or a member of the Governing Body (including the Chair or Vice Chair), a suitably skilled Governor will be appointed to complete all the actions at Stage 1.
- 12.10 If the complaint is:
- jointly about the Chair and Vice Chair, or
 - the entire Governing Body, or
 - the majority of the Governing Body

Stage 2 will be escalated to the CEO of the Trust.

- 12.11 At the conclusion of their investigation, the independent investigator will provide a formal written response.

13.0 Stage 3 – Panel Hearing

- 13.1 If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a meeting with members of the Governing Body's Complaints Committee, which will be formed of the three, impartial Governors, one independent of the school. This is the final stage of the Complaints procedure.
- 13.2 A request to escalate to Stage 3 must be made to the Clerk, via the school office, within 20 school days of receipt of the Stage 2 response.
- 13.3 The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days. Requests received outside this time frame will only be considered if exceptional circumstances apply.
- 13.4 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
- 13.5 If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- 13.6 If the complaint is:
- jointly about the Chair and Vice Chair, or
 - the entire Governing Body, or
 - the majority of the Governing Body

Stage 3 will be heard by the Trustees and an independent panel member.

- 13.7 A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this Complaints Procedure. Complainants will be advised that any staff conduct complaints will be considered under Staff Disciplinary Procedures, if appropriate, but outcomes will not be shared with them.

- 13.8 Representatives from the media are not permitted to attend.

- 13.9 At least 7 school days before the meeting, the Clerk will:
- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible
 - request copies of any further written material to be submitted to the Clerk at least 5 school days before the meeting.
- 13.10 Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 13.11 The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
- 13.12 The meeting will be held in private. Electronic recordings of meetings or conversations are not permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.
- 13.13 The meeting should allow:
- The complainant to explain his/her complaint
 - Headteacher/investigating officer to explain the school's response or make an appropriate statement
 - The complainant to question the Headteacher/investigating officer and/or other members of staff
 - Headteacher/investigating officer to question the complainant about the complaint
 - Panel members to have an opportunity to question the complainant, the Headteacher/investigating officer and any witnesses, as appropriate
 - Final statements to be made by both the Headteacher/investigating officer and the complainant with the complainant making the final statement
 - The Chair to summarise and confirm the next steps and timescale
- 13.14 The committee will consider the complaint and all the evidence presented. The committee can:
- uphold the complaint in whole or in part
 - dismiss the complaint in whole or in part
- 13.15 If the complaint is upheld in whole or in part, the committee will:
- decide on the appropriate action to be taken to resolve the complaint
 - where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future
- 13.16 The Chair of the Committee will provide the complainant and the school with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.
- 13.17 The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by the school. 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.
- 13.18 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.
- 13.19 The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

14.0 Complaints escalated to / about the Trust, CEO or Trustee

- 14.1 If a complaint is escalated to ESCAT (“the Trust”) or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO to be investigated.
- 14.2 Complaints about the CEO or a Director of the Trust should be addressed to the Chair of the Trust Board via the Clerk to the Trust Board. Please mark them as Private and Confidential.
- 14.3 The CEO will write to the complainant acknowledging the complaint within 5 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.
- 14.4 Following the investigation, the CEO will write to the complainant confirming the outcome within 15 school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within 10 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.
- 14.5 If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.

Note: Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.

- 14.6 If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Clerk to the Trust Board asking for the complaint to be heard before a Complaint Panel, within 5 school days. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.
- 14.7 Requests received outside of this time frame will only be considered if exceptional circumstances apply. The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
- 14.8 If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant’s absence on the basis of written submissions from both parties.
- 14.9 If the complaint is:
- jointly about the Chair and Vice Chair or
 - the entire Trust Board or
 - the majority of the Trust Board

Stage 3 will be heard by a completely independent committee panel.

- 14.10 The Complaint Panel will consist of three Trust Directors. None of the three Directors of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.
- 14.11 One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.
- 14.12 A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

14.13 For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

14.14 Representatives from the media are not permitted to attend.

14.15 At least 7 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting

14.16 Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

14.17 The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

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

14.19 The meeting should allow:

- The complainant to explain his/her complaint
- Headteacher/investigating officer to explain the School's response or make an appropriate statement
- The complainant to question the Headteacher/investigating officer and/or other members of staff
- Headteacher/investigating officer to question the complainant about the complaint
- Panel members to have an opportunity to question the complainant, the Headteacher/investigating officer and any witnesses, as appropriate.
- Final statements to be made by both the Headteacher/investigating officer and the complainant with the complainant making the final statement
- The Chair to summarise and confirm the next steps and time scale. The committee will consider the complaint and all the evidence presented.

14.20 The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

14.21 If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

14.22 The Chair of the Committee will provide the complainant and ESCAT with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

- 14.23 The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by ESCAT.
- 14.24 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions ESCAT will take to resolve the complaint.
- 14.25 The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about.
- 14.26 A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.
- 14.27 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.

15.0 Next Steps

- 15.1 If, at the end of Stage 3 school hearing the complainant is not satisfied they can apply to ESCAT for a review of whether the complaint was handled appropriately, ie reasonable procedures have been followed, (as set out in the policy), that the complainant has been treated fairly and that there has been no breach of statutory guidance.
- 15.2 If the complainant believes the school/Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.
- 15.3 The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by ESCAT. They will consider whether the Trust or School has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.
- 15.4 The complainant can refer their complaint to the ESFA:
- Online at: www.education.gov.uk/contactus
- By telephone on: 0370 000 2288
- By writing to: Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

16.0 Vexatious or Persistent Complaints

- 16.1 If properly followed, the complaints procedure will limit the number of complaints that become protracted; however, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. See Appendix 2 for further information related to Vexatious Complaints.
- 16.2 If the complainant tries to reopen the same issue, the Chair of the Local Governing Body when the complaint relates to the school, or the chair of ESCAT will be able to inform them, in writing, that the procedure has been exhausted and that the matter is now closed. The Trust can consider legal action against Vexatious or Persistent Complaints.

Appendix 1

Complaint Form

Please complete and return.

You will receive an acknowledgement of receipt and explanation of what actions will be taken.

Name of Trust school:	
Your name:	
Address (including postcode):	
Contact telephone number(s):	
Email address:	
Pupil's name (if relevant):	
Your relationship to the pupil (if relevant):	
Please give details of your complaint, including whether you have spoken to anybody at the school about it	

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

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

Signature:

Date:

Official Use Only:

Date acknowledgement sent:

By who:

Complaint referred to:

Action taken:

Date:

Appendix 2

Vexatious Complaints

- A2.1 ESCAT, Governing Bodies and schools are fully committed to the improvement schools in the Trust. We welcome feedback from parents/carers and will always try to resolve any concerns as quickly as possible. The procedure in the policy indicates how parents can follow up any concerns they have.
- A2.2 Sometimes, however, parents or carers pursuing complaints or other issues treat staff and others in a way that is unacceptable. Whilst we recognise that some complaints may relate to serious and distressing incidents, we will not accept threatening or harassing behaviour towards any members of the school community.
- A2.3 The aim of this Appendix is to provide information about our school policy on unreasonably persistent complainants or harassment of staff.
- A2.4 What do we mean by 'an unreasonable complainant'?
- A2.4.1 An unreasonable complainant may be anyone who engages in behaviour that is unreasonable. This will include persons who pursue complaints in an unreasonable manner or use the process to harass staff.
- A2.4.2 Unreasonable behaviour may include actions which are:
- out of proportion to the nature of the complaint, or
 - persistent – even when the complaints procedure has been exhausted, or
 - personally harassing, or
 - unjustifiably repetitious
- A2.4.3 Unreasonable behaviour may also include an insistence of:
- pursuing unjustified complaints and/or
 - unrealistic outcomes to justified complaints
 - pursuing justifiable complaints in an unreasonable manner (eg using abusive, emotive or threatening language); or
 - making complaints in public or via a social networking site such as Facebook; or
 - refusing or avoiding attendance at meetings to discuss the complaint; or
 - making or directing inappropriate comments at or to student, parents or staff; or
 - using threats, for example the involvement of third parties, including but not limited to Ofsted, the Local Authority, reporting to the Press, the Catholic Diocese or other independent organisations in an attempt to advance their position or intimidate.
- A2.5 What is 'harassment'?
- A2.5.1 We regard harassment as the unreasonable pursuit of issues or complaints, particularly if the matter appears to be pursued in a way intended to cause personal distress rather than to seek a resolution.
- A2.5.2 Behaviour may fall within the scope of this policy if:
- it appears to be deliberately targeted at one or more members of school staff or others;
 - the way in which a complaint or other issues is pursued (as opposed to the complaint itself) causes undue distress to the Trust, school staff or others;
 - it has a significant and disproportionate adverse effect on the Trust or school community.

A2.6 What does the Trust and school expect of any person wishing to raise a concern?

A2.6.1 The Trust and school expects anyone who wishes to raise concerns with the school to:

- treat all members of the school community with courtesy and respect;
- respect the needs of pupils and staff within the school;
- keep communication to a reasonable and proportionate length;
- avoid the use of violence, or threats of violence, towards people or property;
- recognise the time constraints under which members of staff in schools work and allow the school a reasonable time to respond to a complaint;
- follow the school's complaints procedure.

A2.7 Schools' responses to unreasonably persistent complaints or harassment

A2.7.1 This Appendix is intended to be used in conjunction with the school's complaints procedure. Taken together, these documents set out how we will always seek to work with parents, carers and others with a legitimate complaint to resolve a difficulty.

A2.7.2 However, in cases where the complainant's behaviour is unreasonable, persistent or harassing, the school will take some or all of the following steps, as appropriate:

- inform the complainant informally that his/her behaviour is now considered by the school to be unreasonable or unacceptable and the complaint will be paused until they adopt a more reasonable approach;
- inform the complainant in writing that the school considers his/her behaviour to fall under the terms of the Unreasonable Complaint/or Harassment;
- require meetings with a member of staff to be conducted with a second person present. In the interests of all parties, notes of these meetings may be taken;
- inform the complainant that, except in emergencies, the school will respond only to written communication and that these may be channelled through the Local Authority.

A2.8 Physical or verbal aggression

A2.8.1 ESCAT or the Governing Body will not tolerate any form of physical or verbal aggression, including that in written form, against members of the ESCAT or school community. If there is evidence of any such aggression the school may:

- ban the individual from entering the school site, with immediate effect;
- Request a civil injunction, Community Protection Notice (CPN) or Criminal Behaviour Order (CBO) for antisocial behaviour.
- prosecute under Anti-Harassment legislation.
- call the police to remove the individual from the premises, under powers provided by the Education Act 1996.

A2.9 Legitimate new complaints will always be considered, even if the person making them is (or has been) subject to the terms of this policy. The school nevertheless reserves the right not to respond to communications from individuals subject to the policy.

Appendix 3

Roles and Responsibilities

A3.1 Complainant

The complainant will receive a more effective response to the complaint if they:

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint • ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

A3.2 Investigator

A3.2.1 The investigator's role is to establish the facts relevant to the complaint by:

- providing 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
 - interviewing staff and children/young people and other people relevant to the complaint
 - consideration of records and other relevant information
 - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

A3.2.2 The investigator should:

- 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
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the Headteacher (Stage 2) or complaints committee (Stage 3) that sets out the facts, identifies solutions and recommends courses of action to resolve problems. The Headteacher (Stage 2) or complaints committee (Stage 3) will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

A3.3 Complaints Co-ordinator

(This could be the Headteacher or CEO / designated complaints Governor or Trustee or other staff member providing administrative support)

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, CEO, Chair of Governors, Chair of Trust or the Clerk and 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 or where the complainant is a child or young person
- keep records

A3.4 Clerk to the Governing Body / Trust Board

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the Committee's decision.

A3.5 Committee Chair

The Committee's Chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the Chair has the right to suspend or adjourn the meeting should the atmosphere not be conducive to resolving the issues being discussed
- the remit of the Committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- any external support or advocate brought to the meeting may not answer on behalf of the parties, but may ask for points of clarification
- Minutes are taken of the meeting
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

A3.6 Committee Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- no Governor/Trustee may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- we recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- many complainants will feel nervous and inhibited in a formal setting

- parents/carers often feel emotional when discussing an issue that affects their child.
- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting
- careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- the committee 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 committee 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 committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- the welfare of the child/young person is paramount.