

The Bishop Wheeler Catholic Academy Trust



Policy

Complaints Policy and Procedure

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The Bishop Wheeler Catholic Academy Trust



Our Mission

Outstanding Catholic education for all pupils. As a family of schools, we will enable our young people to develop spiritually, morally, intellectually and personally, putting their faith into action, through serving Christ in others, in the church and in the world around them.

**This policy was adopted by the Resources
Committee on behalf of the Trust Board**

Signature: 

**Mrs D Gaskin
Chair of Trust Board**

Date: 30/04/24

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Change review

Version	Date	Changes
4.0	April 2024	<p>Page 5 – Definitions Table</p> <p>Page 6 - Introduction updated</p> <p>Page 6 - Scope updated</p> <p>Page 6 – Exceptions Table.</p> <p>Page 7 – Information added in relation to concerns about SEND provision</p> <p>Page 7 - Information in relation to complaints posted on social media.</p> <p>Page 8 - Information added in relation to other public bodies investigating complaints.</p> <p>Page 8 - General Principles, point 8 updated.</p> <p>Page 9 – Information added in relation to consent required for the recording of any meetings during the complaints process.</p> <p>Page 10 – Complaints received out of term time – Information added.</p> <p>Page 10 – Serial and Persistent Complaints – Information added.</p> <p>Information added from previous appendix C section.</p> <p>Page 16 – Stage 2 Formal Investigation – time period to investigate extended to 20 school days.</p> <p>Page 16 – Stage 2 Formal Investigation – Information added in relation to the Headteachers discretion to clarify the nature of the complaint.</p> <p>Page 18 – Clerks@bwcat.org email address added for all correspondence to clerks to Academy Councils.</p> <p>Page 18 – Stage 3 Formal Investigation – time period to investigate extended to 20 school days.</p>

		<p>Page 20 – Stage 4 Complaints Panel – time period to convene a complaints panel meeting extended to 25 school days.</p> <p>Page 20 - Stage 4 procedure updated bullet points, (iii), (iv) added.</p> <p>Page 20 - stage 4 procedure (v) updated with information</p> <p>Page 21 – Stage 4 procedure, note added that complaints about staff conduct will not be handled under this complaint’s procedure. Complaints about staff will be considered under HR policies and procedures.</p> <p>Page 21 - Stage 4 procedure – representatives for the media are not permitted to attend a panel hearing.</p> <p>Page 21 – Stage 4 procedure - (x) and (ix) added.</p> <p>Page 24 – ESFA contact information updated</p>
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Definitions

In this Complaints Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

BWCAT	The Bishop Wheeler Catholic Academy Trust.
Trust, we and our	Covers all of the schools within The Bishop Wheeler Catholic Academy Trust and The Bishop Wheeler Catholic Academy Trust Office.
Trust Board	The Directors of the Trust Board.
Academy Council	Governors elected or appointed to individual Academy Councils.
CEO	The Chief Executive Officer for the Trust.
Executive Headteacher/Headteacher	Executive Headteacher/Headteacher responsible for individual academies.
Academy	Refers to the Academies within BWCAT.
Pupil	Refers to any pupil on roll at any of the BWCAT schools.
Parents	Refers to any person who holds parental responsibility for the pupil
Child and Children	Refers to children and young people under the age of 18 years.
Staff	Means all employees, temporary, casual, agency and contracted staff working for the Trust, volunteers and consultants.

1. Introduction

The Bishop Wheeler Catholic Academy Trust is under a duty to comply with requirements set out in Schedule 1 part 7 of the Education (Independent School Standards) Regulations 2014. This Complaints Policy is based on guidance published by the Education & Skills Funding Agency (ESFA).

In the majority of cases, complaints will be logged against a specific academy and will be dealt with by the academy/Academy Council as appropriate. This complaints policy has been written to guide complainants who are making complaints against academies.

A complainant may wish to raise a complaint against the Trust Central Team, which will be dealt with by the Chief Executive Officer (CEO)/Trust Board as appropriate. Whilst the principle of the complaint's procedure remains the same for complaints against the Trust Central Team or Trust Board, the investigating person will differ. Further explanation of the differences can be found in **Appendix A**.

2. Scope

As the complaints policy is based upon Part 7 of the Education (Independent Schools Standards) Regulations 2014, it only applies to complaints from parents of pupils who attend the academies within the Bishop Wheeler Catholic Academy Trust (BWCAT) regarding their child.

Any person, including members of the public, may make a complaint to the academy about any provision of facilities or services that we provide. Complaints made by persons who do not have a registered pupil at the school will be investigated and responded to in writing.

Anonymous complaints

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Academy Council, if appropriate, will determine whether the complaint warrants an investigation.

In accordance with administrative law principles, complainants will be given the opportunity to complete the complaints procedure in full, unless there is clear evidence that the complaint meets the criteria of a serial or persistent complaint.

This Policy will apply to most general complaints received by the Academy/Trust. However, some complaints are subject to separate statutory procedures, for example:

Exceptions	Who to Contact
❖ Admissions	Concerns about admissions will be handled through a separate process – either through the admission's appeals process or via the Local Authority.
❖ Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under the academies child protection

	<p>and safeguarding policies and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the Local Authority Designated Officer (LADO) who has local responsibility for safeguarding or the Local Authority Safeguarding Team. For contact details, see the academy's Safeguarding Policy, which is published on individual academy website.</p>
❖ Statutory assessments of special educational needs	Local Authority carrying out the assessment.
❖ Suspensions and Permanent Exclusions of a pupil*	<p>Further information about raising concerns about a suspension or permanent exclusion can be found in the BWCAT Suspensions and Exclusion Policy.</p> <p><i>*Complaints about the application of the behaviour policy can be made through the BWCAT complaints procedure.</i></p>
❖ Whistleblowing	BWCAT has an internal whistleblowing policy and procedure for all our staff.
❖ Staff Grievances	Complaints from staff will be dealt with under the BWCAT Grievance Policy.
❖ Staff Conduct	<p>Complaints about staff will be dealt with under the BWCAT's internal disciplinary procedures, if appropriate.</p> <p>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.</p>

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. If this happens, we will inform you of a proposed new timescale.

Special Education Needs

Concerns about special educational needs and disabilities (SEND) provisions by parents should initially be raised with the academy's SENDCo in the first instance so we can work together to find a resolution. If the matter is not resolved, complaints about SEND provision should then be made following this complaints procedure.

Social Media

Complaints are dealt with confidentially and complainants are expected to observe confidentiality regarding the detail of their complaint. Complainants are respectfully requested not to discuss complaints publicly outside of the complaints process, including via social media platforms such as, Facebook, WhatsApp groups with other parents, Twitter/X. Should defamatory or inappropriate comments be posted on social media, steps may be taken to report matters to the appropriate authorities.

Withdrawal of a complaint

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

3. General Principles

- ❖ The Bishop Wheeler Catholic Academy Trust values good home/school relations and will, therefore, do everything we can to establish and maintain them. This includes seeking to resolve any concerns or complaints promptly, and to the satisfaction of all concerned.
- ❖ The Bishop Wheeler Catholic Academy Trust advocates resolution of parental concerns and complaints at academy level wherever possible, in the interests of maintaining good home/school relations.
- ❖ We welcome feedback on what parents feel we do well or not so well, as an academy and as a Trust. We will consider carefully all feedback, whether positive or negative, and will review our policies and practices accordingly.
- ❖ We will treat all concerns and complaints seriously and courteously and will advise parents of the procedures for dealing with their concerns. In return, we expect parents to behave respectfully towards all members of the school community. In particular, any disagreement with the school should not be expressed inappropriately or in front of pupils, other parents or members of the public.
- ❖ All school staff and members of the Trust Board and Academy Council can access this policy statement and will be familiar with the Trust's procedures for dealing with parental concerns and complaints. This policy is available on individual academies' websites.
- ❖ Staff and Governors will receive training in handling parental concerns and complaints as appropriate. This may be on an individual basis, or as a group activity for all staff, or for specific groups, such as members of the Academy Council.
- ❖ The Trust's procedures will be reviewed regularly and updated as necessary.
- ❖ Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An acknowledgement that the situation could have been handled better is not the same as an admission of unlawful or negligent action.

- ❖ Dates and times of all activities linked to the complaint in chronological order should always be recorded and made available to investigators, as necessary. It is best practice to take minutes of meetings and discussions.
- ❖ All documents and correspondence recorded at all stages of the complaints process should be retained within a complaints folder at each academy (or Trust Central Team Office if the complaint relates to the Trust Central Team) and retained for the period that is set out in the BWCAT Records Management Policy.
- ❖ Confidentiality must be always maintained. All conversations and correspondence must be treated with discretion. Parents must feel confident that a complaint will not disadvantage their child. Anonymous complaints should be disregarded unless someone else or some objective evidence can substantiate the complaint. All parties to a complaint will need to accept that some sharing of information will be inevitable if the complaint is to be investigated fully. However, the sharing of information should be kept to a minimum so not to compromise subsequent stages of the complaint process.
- ❖ A complaint is not part of any staff disciplinary process. Staff who may be questioned as part of the complaint's procedure must be treated fairly and have an opportunity to put their case forward. They should be offered support in dealing with any investigation into a complaint.
- ❖ Complaints about or relating to a pupil should be directed to the relevant member of the academy's staff to be dealt with informally through discussion initially. If the complainant is not happy with the manner in which the complaint was handled, they may put their complaint in writing and ask for it to be dealt with formally.
- ❖ Complaints made by Governors should be referred to the Chair of the Academy Council to be dealt with informally through discussion initially. Some complaints may progress and be dealt with through formal procedures which are outlined in **Appendix B**.
- ❖ Recording the meeting on any device is not permitted at any stage of the complaints process without prior consent from all parties involved in the process. Written notes may be taken.
- ❖ Complaints made by contractors will not be dealt with under this complaints policy.

4. Time Limits

It is expected that complaints will be received **within 3 months** of the incident occurring unless there are mitigating circumstances. If a complainant wishes to escalate a complaint to the next stage this should be done within **10 school days** following receipt of the response from the previous stage.

Exceptions to the time frame will be considered if a valid reason is provided; otherwise, the complaint will be closed at the end of the last stage reached.

Complaints received out of term time

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

5. Serial or Persistent Complaints.

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 academy will inform them in writing that the procedure has been completed and that the matter is now closed. If the complainant contacts the academy or Trust again on the same issue, or one which substantially arises out of or in connection with an issue previously raised, and the academy believes that it has already responded to that issue as best as it can, the contact may be recognised as 'serial' or 'persistent' and there will be no obligation on the part of the academy or the Trust to respond.

However, it is important to note that, should the complainant raise an entirely new, separate complaint, the new complaint must be responded to in accordance with the complaints policy.

Definitions

For the purpose of this section, an “**unreasonably persistent complaint**” is defined as follows:

An unreasonably persistent complainant is a person who complains about issues, either formally or informally, or frequently raises issues that he/she considers to be within the remit of the academy and whose behaviour is unreasonable. Such behaviour may be characterised by:

- *actions which are obsessive, persistent, harassing, prolific, repetitious; and/or*
- *prolific correspondence or excessive e-mail or telephone contact about a concern or complaint; and/or*
- *an insistence upon pursuing unmeritorious complaints and/or unrealistic or unreasonable outcomes; and/or*
- *an insistence upon pursuing meritorious complaints in an unreasonable manner.*

For the purposes of this section, “**harassment**” is defined as follows:

Harassment is the unreasonable pursuit of the actions listed above in (3) in such a way that they:

- *appear to be targeted over a significant period of time on one or more members of staff; and/or*
- *cause ongoing distress to individual member(s) of staff; and/or*
- *have a significant adverse effect on the whole/parts of the academy community; and/or*
- *are pursued aggressively.*

Deciding whether a complainant should be deemed an unreasonably persistent complainant.

The Headteacher, with the agreement of the Chair of the Academy Council, may deem a complainant an unreasonably persistent complainant.

The Headteacher will ensure that there is sufficient evidence available to justify the decision.

Action to be taken where a complainant is deemed an unreasonably persistent complainant.

The Headteacher will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.

Some or all the following actions may be taken, depending on the particular circumstances of the case:

- Insisting that no member of staff should meet the complainant on his/her own.
- Restricting telephone calls from the complainant to specified days and times.
- Requiring that all future contacts with the academy are in writing, except in emergencies, this includes contacts with members of the Academy Council, who should be contacted at the academy address.
- Merely acknowledge correspondence from the complainant that raises issues that have already been dealt with.
- Banning the complainant from the academy premises where the complainant's behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Headteacher.

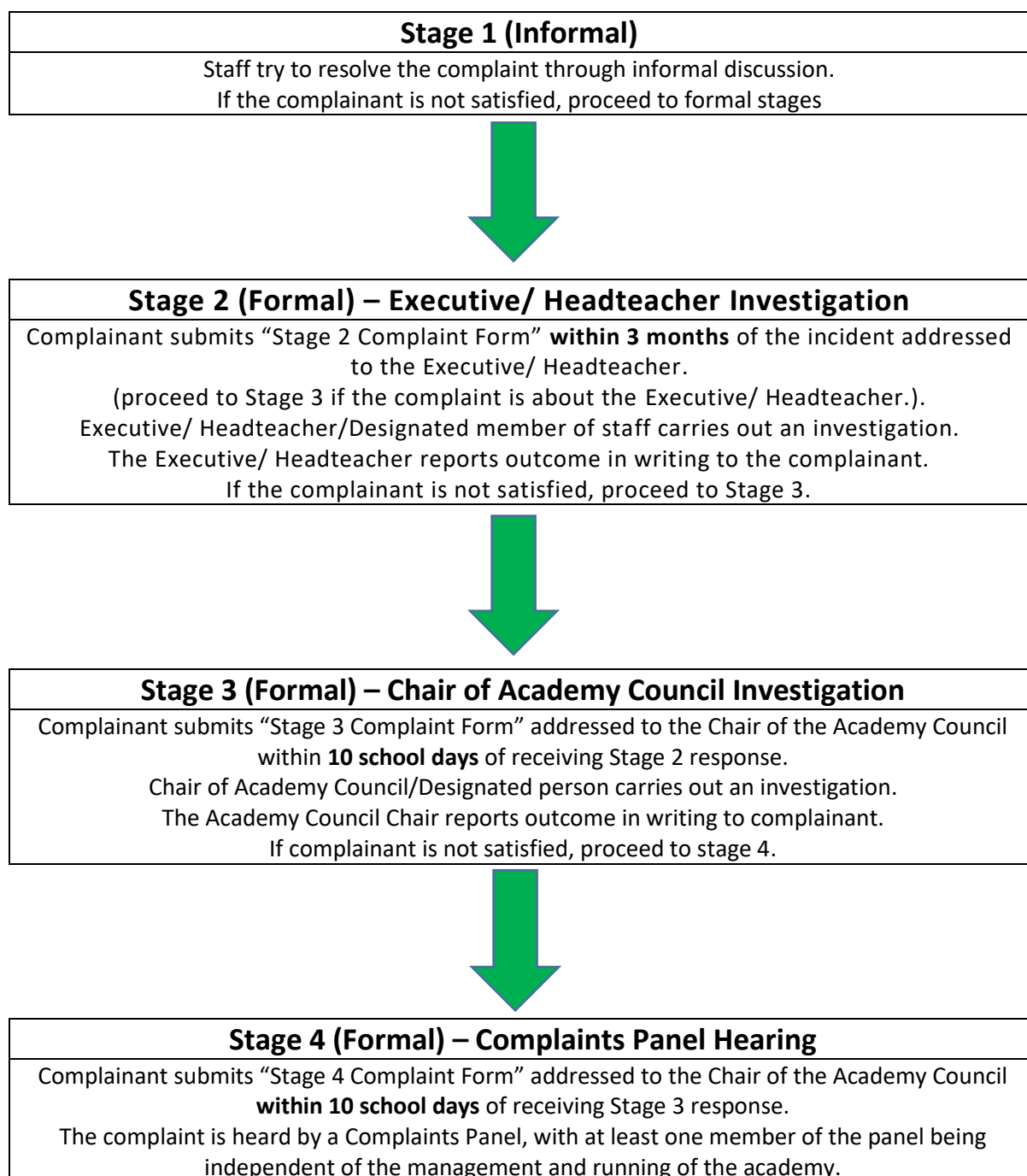
However, all correspondence from the complainant will be considered and any new and substantive issues will be addressed, and a reply sent to the complainant.

New complaints from people who have been deemed unreasonably persistent complainants will be treated on their merits.

6. Complaints Procedure

The majority of concerns from parents are handled under the following general procedure. The procedure is divided into four stages; each stage should be completed before progressing to the next stage.

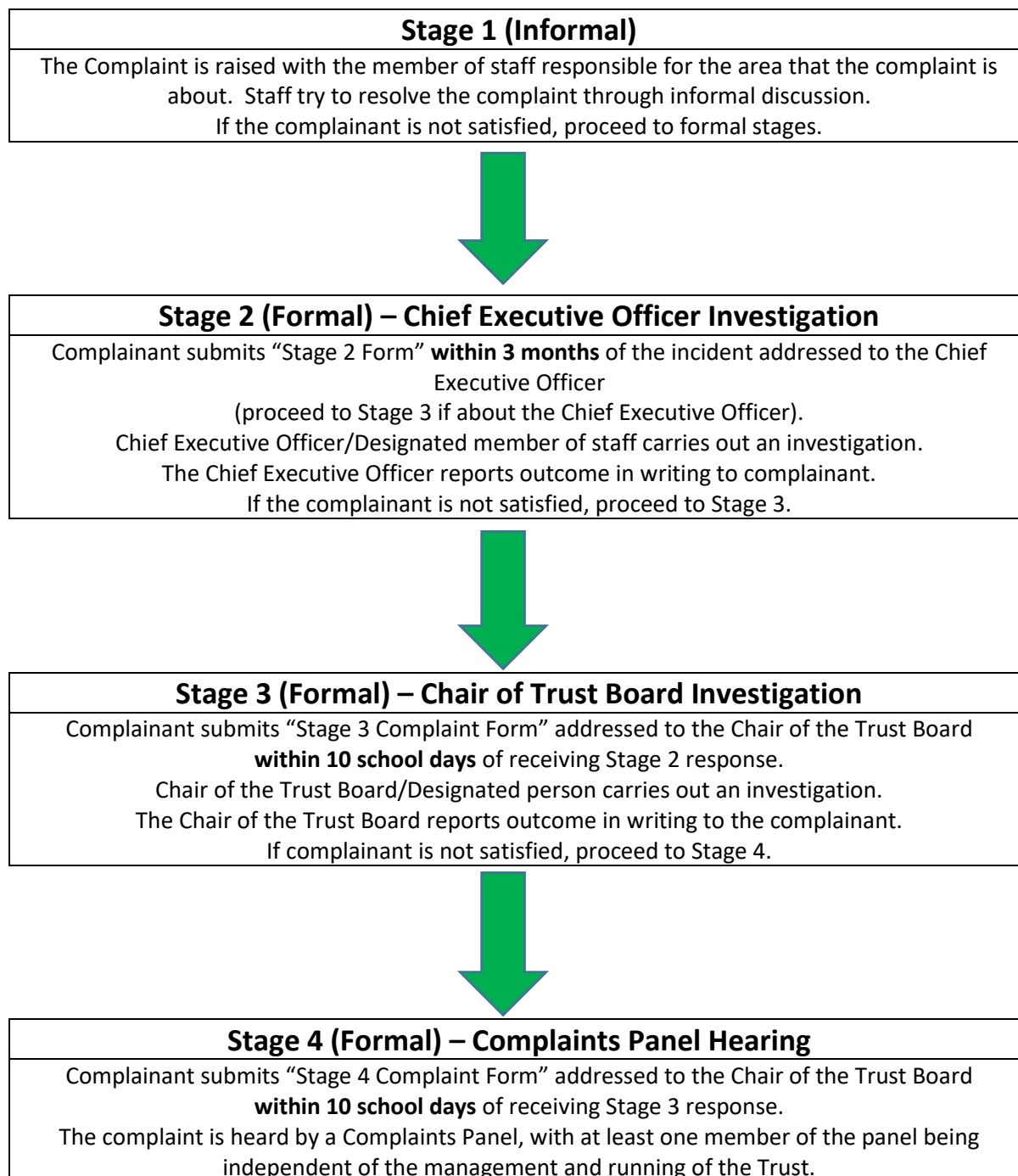
1. PROCEDURE FOR DEALING WITH COMPLAINTS AGAINST AN ACADEMY



There is no further right of appeal within the Trust. If the complainant is not happy with the handling of their complaint, they may contact the Education and Skills Funding Agency (ESFA).

2. PROCEDURE FOR DEALING WITH COMPLAINTS AGAINST THE TRUST CENTRAL TEAM OR TRUST BOARD.

Each stage should be completed before progressing to the next stage:



There is no further right of appeal within the Trust. If the complainant is not happy with the handling of their complaint, they may contact the Education and Skills Funding Agency (ESFA).

Stage 1 – Dealing with informal complaints.

Guidelines

- ❖ Most concerns and complaints can be resolved informally, often straight away by the class/form teacher, middle leader, or senior leader, depending on whom the complainant first contacts. It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the academy can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they will know what to do when they receive a complaint.
- ❖ Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion, it may be appropriate for someone to act on behalf of a parent. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take the matter further. It would assist the procedure if the academy respected 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 complainant should be referred to another staff member. Where the complaint concerns the Executive/ Headteacher, the complainant should be referred to the Chair of the Academy Council.
- ❖ Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Executive/ Headteacher may consider referring the complainant to another staff member. That other member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.
- ❖ Where the first approach is made to a member of the Academy Council, the next step would be to refer the complainant to an appropriate member of staff and advise them about the complaint's procedure. **Governors must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a Complaints Panel at a later stage of the procedure.**

Procedure

- ❖ If the complaint is about the Executive/ Headteacher or the Chief Executive Officer the complaint will be directed to the Clerk of the Academy Council or the Trust Head of Governance for complaints relating to the Chief Executive Officer. The Clerk/ Head of Governance will liaise with the Chair of the Academy Council/Chair of the Trust Board. The Clerk/Head of Governance will respond to the complainant on behalf of the Chair of the Academy Council/Chair of the Trust Board informing the complainant of the next steps of the complaint's procedure.
- ❖ If a complainant addresses their complaint directly to the Executive/ Headteacher, **stage 1 procedures will still be followed.** The Executive/ Headteacher will direct an appropriate member of staff to contact the complainant to carry out stage 1 of the complaint's procedure. If the complainant is not satisfied with the outcome of stage 1 the appropriate staff member will inform the complainant how to proceed with their complaint to stage 2.

(The staff member will document and keep a record of all communication with the complainant). This allows the Executive/ Headteacher to remain impartial if the complainant proceeds to stage 2 (Headteacher Investigation).

- ❖ If a complainant addresses their complaint directly to the Chair of the Academy Council (and is not a complaint about the Executive/ Headteacher), **stage 1 procedures will still be followed**. The Chair of the Academy Council will liaise with the Executive/ Headteacher to direct an appropriate member of staff to contact the complainant to carry out stage 1. If the complainant is not satisfied with the outcome of stage 1 the appropriate member of staff will inform the complainant how to proceed with their complaint to stage 2. The staff member will document and keep a record of all communication with the complainant. This allows the Chair of the Academy Council to remain impartial if the complainant proceeds to stage 3 (Chair of Academy Council Investigation).
 - The same process will be followed if a complainant addresses their complaint direct to the Chair of the Trust Board and it is not a complaint about the Chief Executive officer.
- ❖ Parents need to be given an opportunity to discuss their concerns with the appropriate member of staff, who can clarify the nature of their concern and reassure them that the academy wants to hear about it. The member of staff may explain to the parent how the situation arose. It may also be helpful, at this point, to identify what sort of outcome the parent is looking for.
- ❖ The member of staff will need to respond appropriately, considering the seriousness of the complaint. In many cases, this will lead to immediate resolution of the issue.
- ❖ If the member of staff first contacted cannot deal immediately with the matter, or if they need to refer the matter to someone else, they will need to make a clear note of the date, name and contact address/email/telephone number of the complainant.
- ❖ The staff member dealing with the complaint should make sure that the complainant is clear what will happen next (if anything), and this should be put in writing/email.
- ❖ Where no satisfactory resolution has been found, the complainant may wish their concern to be considered further. If so, the complainant should be advised about how to proceed with their complaint.

Stage Two – Formal consideration by the Executive/ Headteacher (or designated person).

Guidelines

- ❖ It should by now have become clear that the concern is a formal complaint. The Headteacher (or member of staff designated to investigate the complaint) are to adhere to these guidelines to ensure consistency amongst cases and to make sure that nothing happens, at this stage, which could make it difficult for the later stages to proceed smoothly.
- ❖ As Executive/ Headteachers have responsibility for the day-to-day running of their academies, they have responsibility for the implementation of the complaint's procedure, including decisions about their own involvement at stage 2. One of the reasons for having the various stages in a complaint's procedure is to reassure the complainant that more than one person is hearing their complaint.
- ❖ Executive/ Headteachers will need to make arrangements to ensure that their involvement does not predominate at every stage of a particular complaint. Even at this stage, the Executive/ Headteacher may designate another member of staff to investigate the complaint and collate some of the information from the various parties involved.

Procedure

- ❖ Complaints should be made via a "Stage 2 Complaint Form" (Please see **Appendix C**) unless the complainant is unable to express the complaint in written form. The "Stage 2 Complaint Form" should be **submitted within 3 months of the incident occurring** unless the complainant has valid reasons. The form should be addressed to the Executive/ Headteacher.
- ❖ The complainant's "Stage 2 Complaint Form" should be **acknowledged in writing within 5 school days** of receipt. The acknowledgement will give a brief explanation of the academy's complaints procedure and a **target date** for providing a response to the complaint, which **will normally be within 20 school days**. Where this is not possible, a letter needs to be sent to the complainant explaining the reasons for the delay and giving a revised response date.
- ❖ Within this acknowledgment, the Headteacher (or designated member of staff) will seek clarification of any further information it is felt is required in addition to that already submitted. For example, the Headteacher (or designated member of staff) may seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher (or designated member of staff) can consider whether a face -to-face meeting is the most appropriate way of doing this.

Note: *The Headteacher may delegate the investigation to another member of staff or an external investigator but not the decision to be taken at the conclusion of the investigation.*

- ❖ Academies should endeavour even at this stage to reach an agreed solution to the complaint. It needs to be remembered that the aim is to resolve the matter in the interests of all involved.
- ❖ The Executive/ Headteacher or designated person should investigate the complaint appropriately in compliance with this policy.
- ❖ Once all relevant facts have been established, the Executive/ Headteacher will then produce a written response to the complainant and may also wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the academy will take to resolve the complaint.
- Where the complaint is against the Executive/ Headteacher, it should proceed straight to stage 3.

Stage Three – Formal consideration by the Chair of the Academy Council (Or designated person)

Guidelines

- ❖ If the complainant is not satisfied with the response of the Executive/ Headteacher, the complainant should submit a completed “Stage 3 Complaint Form” (please see **Appendix D**) in order for their complaint to be considered further. This form will be addressed to the Chair of the Academy Council. All correspondence to the Chair should go through the Clerk to the Academy Council. It is likely that this will be the first involvement of the Chair of the Academy Council and therefore they will be able to look at the case from a new impartial perspective. It is important that **other members on the Academy Council do not receive details of complaints** at Stages 1 to 3, to ensure their impartiality should a complaint proceed to Stage 4.

Note: All correspondence to the Clerk should be submitted to the following email address: Clerks@bwcat.org

Procedure

- ❖ Complaints should be made via a “Stage 3 Complaint Form” unless the complainant is unable to express the complaint in written form. The “Stage 3 Complaint Form” should be **submitted within 10 school days following receipt of the response from Stage 2** unless the complainant has valid reasons.
- ❖ The complainant’s “Stage 3 Complaint Form” should be **acknowledged in writing within 5 school days** of receipt. All correspondence will be from the Clerk to the Academy Council on behalf of the Chair. The acknowledgement will give a **target date** for providing a response to the complaint, which will normally be **within 20 school days**. Where this is not possible, a letter needs to be sent to the complainant explaining the reasons for the delay and giving a revised response date.
- ❖ The Chair of the Academy Council, on behalf of the academy, should again endeavour at this stage to reach an agreed solution to the complaint. The aim remains to resolve the matter in the interests of all involved.
- ❖ The Chair of the Academy Council (or designated person) should investigate the complaint appropriately.
- ❖ Once all relevant facts have been established, the Chair of the Academy Council will then produce a written response to the complainant, and they may also wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the academy will take to resolve the complaint.

Stage Four – Formal consideration by a Complaints Panel

Guidelines

- ❖ All complaints that reach this stage will have done so because the complainant has not been satisfied by the responses received at Stages 1 through to 3.
- ❖ The complainant should complete and submit a “Stage 4 Complaint Form” (please see **Appendix E**) to request that their complaint is put before a Complaints Panel. This form is to be addressed to the Chair of the Academy Council and submitted to the Clerk. All correspondence to and from the Chair will be from the Clerk to the Academy Council on behalf of the Chair. The Chair of the Academy Council, or a nominated person, will then convene a meeting of the Complaints Panel.

Note: All correspondence to the Clerk should be submitted to the following email address:
Clerks@bwcat.org

- ❖ The Complaints Panel will comprise at least three persons. The Complaints Panel will usually be made up of:
 - 1 Governor who serves on the Academy Council of the relevant academy.
 - 1 Director who serves on the Trust Board: and
 - 1 Independent Person who is not involved with the management or running of the academy.

The panel cannot be made up solely of Academy Council members because they are not independent of the management and running of the academy. It is a matter for the Trust to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member. The independent member of the panel will not be a Director, a Governor of the academy or an employee of the Trust/academy.

For avoidance of doubt, a Governor of another academy within the Trust may be the independent member of the panel if they are not an employee of that academy or the Trust, and they are sufficiently removed from the management and running of the academy to be considered truly independent.

- ❖ The Complaints Panel hearing is the last stage of the complaints procedure and is not convened merely to rubber-stamp previous decisions.
- ❖ It is important that the hearing should not only be independent and impartial but that it is seen to be so. This is to prevent any allegations of unfairness or bias. As such, only members who have had no prior knowledge or involvement in the case should sit on the Complaints Panel. Individual complaints should not be heard by the whole Academy Council at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
- ❖ It is therefore important that individual members of the Academy Council do not become embroiled in complaints at earlier stages because of potential prejudice. If individual

members are approached about a complaint, they should not respond but should refer the complainant to the complaint's procedure and/or the appropriate member of academy staff.

- ❖ As Stage 4 is the last opportunity for a solution or compromise to be reached, every effort should be made to reach agreement through conciliation or mediation.
- ❖ It is important that the Complaints Panel views the complaint as being against the academy rather than an individual staff member whose actions may have led to the original complaint.

Procedure

- ❖ A Complaints Panel hearing should be requested by submitting a "Stage 4 Complaint Form" unless the complainant is unable to express the complaint in written form. The "Stage 4 Complaint Form" should be **submitted within 10 school days following receipt of the response from Stage 3** unless the complainant has valid reasons.
- ❖ Following receipt of a Stage 4 request, the procedures outlined below will need to be followed:
 - (i) The Clerk to the Academy Council will write to the complainant to **acknowledge receipt** of the written request **within 5 school days**.
 - (ii) The acknowledgement will inform the complainant that a Complaints Panel will **consider the complaint within 25 school days**. Where this is not possible, the reason for delay should be explained to the complainant along with a suggested revised target date.
 - (iii) If the complainant rejects the offer of three proposed dates, without good reason, the Chair 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.
 - (iv) If the complaint is:
 - jointly about the Chair and Vice Chair or
 - the entire Academy Council or
 - the majority of the Academy Council
- Stage 4 will be heard by the Directors of the Trust Board and an independent panel member.
- (v) The letter will ask the complainant (if they have not already done so) to submit, as soon as possible, a written statement setting out clearly the aspects of the complaint that they wish to be considered. The Headteacher and/or appropriate member of staff will also be invited to provide a written statement.

The letter will also explain that the complainant and the Executive/ Headteacher have the right to submit any further documents relevant to the complaint. Both parties should send such documentation to the Clerk of the Academy Council who will then submit to the Chair of the Complaints Panel **at least 6 school days** before the complaint hearing.

The notification to the complainant and Executive/ Headteacher should also inform them of their right to be accompanied to the meeting by a friend/advocate/interpreter. 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.

The complaint panel wishes to hear from those directly involved in the complaint matter therefore supporters will not normally be invited to speak or ask questions during the panel meeting, unless agreed by the panel.

***NB:** 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 (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

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

- (vi) The designated Chair will convene the meeting of the Complaints Panel, ensuring that selected members have no prior knowledge of the complaint in question and that **at least one member of the panel is independent of the management and running of the academy**. No person may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

The Executive/ Headteacher or any other member of staff should not be a member of the Complaints Panel.

- (vii) The Panel may wish to hold an initial meeting to decide on a date for the hearing, consider the statement from the complainant and the response statement from the Headteacher to determine what other evidence they might need to establish the facts.

The Panel may invite members of staff and other witnesses directly involved in matters raised by the complainant to produce a written statement and/or to attend the hearing.

NB. The Executive/ Headteacher **is required to attend** the complaints hearing. Members of **staff named** in the complaint **have a right to attend** the hearing.

- (viii) It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted. Complainants are not permitted to record the hearing on any device but may take handwritten notes of the meeting themselves.
- (ix) The panel will 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.
- (x) During the meeting the complainant can expect there to be opportunities for:
 - The panel to hear you explain your case and your argument for why it should be heard.
 - The panel to hear the academy's actions and response to the complaint.
 - The complainant and Headteacher to be questioned and raise questions.
 - The panel to ask questions of the complainant and Headteacher.
 - The complainant and Headteacher to make a final statement.
- ❖ The Complaints 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 academy's/Trust systems or procedures to ensure that problems of a similar nature do not recur.

There are several points which members of the Complaints Panel need to remember:

- ❖ It is important that the hearing is independent and impartial and that it is seen to be so.
- ❖ The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy/Trust 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.
- ❖ An effective Panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- ❖ Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The Panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- ❖ Complaint panel meetings are expected to last up to 2 hours in total, which should allow sufficient time for the complaint and responses to be heard. It will be assumed that all

documentation has been read by all parties in advance of the meeting therefore maximising the use of meeting time.

- ❖ At the conclusion of the meeting the Chair should explain that the Panel will consider all the representations made and will make its decision and write to all parties with the outcome **within 10 school days**. 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 academy.

- ❖ The Executive/ Headteacher, the complainant and any witnesses should then withdraw from the room at the same time to allow the Panel to reach its decision. The Clerk taking minutes of the meeting on behalf of the Panel should ensure that one party is not left alone with the Panel in the absence of the other. The decision should cover:
 - findings on the substantive complaint;
 - any appropriate action to be taken by the academy or the complainant;
 - where appropriate, any suggested changes to the academy's/Trust systems or procedures to ensure that problems of a similar nature do not happen again.

- ❖ A report and any recommendations should be presented to the Academy Council/Trust Board at the next full meeting.

- ❖ A written statement outlining the decision of the Panel must be sent to the complainant, Executive/ Headteacher and any staff named in the complaint. The Trust Board should also be updated.
 - If any disciplinary action is to be taken against a member of staff then, to protect his/her rights, only the phrase "**appropriate action has or will be taken**" should be used.

- ❖ The Chair of the Panel will need to ensure that a copy of all correspondence is kept securely and confidentially on file at the academy. Where relevant, these records should be kept separately from the pupil's personal records. All records will be retained in line with the BWCAT Record Management Policy.

- ❖ It is good practice that the Executive/ Headteacher reports to the Academy Council on compliments and complaints received, together with the outcome of each.

NB: All correspondence to the Clerk should be submitted to the following email address:
Clerks@bwcat.org

7. Closure of Complaints

- ❖ Very occasionally, the academy will feel that it needs, regretfully, to close a complaint where the complainant is still dissatisfied.
- ❖ The Academy Council/Trust Board will do all it can to help to resolve a complaint against the academy/Trust but sometimes it is simply not possible to meet all the complainant's wishes. Sometimes it is simply a case of "agreeing to disagree".
- ❖ If a complainant persists in making representations to the academy – to the Headteacher, designated person, Chair of the Academy Council, or anyone else, this can be extremely time-consuming and can detract from the responsibility to look after the interests of all the children.
- ❖ For this reason, correspondence (including personal approaches, as well as letters and telephone calls) will be closed on a complaint where it is felt that all reasonable action to resolve the complaint has been taken and that the Complaints Procedure has been fully completed. Correspondence received from the complainant subsequent to closure should be retained on file in line the BWCAT Records Management Policy, as should notes of telephone calls and any further personal calls referring to the matter. This will be important if the Education & Skills Funding Agency (ESFA) asks for copies later.
- ❖ If deadlines set out within the Complaints Procedure are not met (without a valid reason), the complaint will be closed at the end of the last stage reached.
- ❖ In exceptional circumstances and with the agreement of the Chair of the Trust Board, closure may occur before a complaint has reached Stage Four of the procedure. The complaint will only be closed where every reasonable effort has been undertaken to resolve the complaint and a Complaints Panel would not help to move things forward.

If a complainant has completed the BWCAT Complaints Procedures (with or without recourse to a Complaints Panel) but is not satisfied with the handling of the complaint, they may contact the Education & Skills Funding Agency (ESFA) by completing an online enquiry form which can be found at:

www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
5 Quinton Road
Coventry
CV1 2WT

The ESFA may only be able to help if the complainant has been unable to complain, or is not satisfied with how the academy handled the complaint because the academy:

- does not have a complaints procedure.
- did not provide a copy of its complaints procedure when requested.

- does not have a procedure that complies with part 7 of the [Education \(Independent School Standards\) Regulations 2014](#);
- has not followed its published complaints procedure.
- has not allowed its complaints procedure to be completed.

The ESFA cannot change an academy's/Trust decision about a complaint. Its role is to make sure the academy/Trust handles the complaint properly by following a published procedure.

The ESFA will write to the complainant with the outcome of the case. The academy/Trust will also receive a copy of the ESFA's findings, and the enquiry will then be closed.

If the ESFA upholds the complaint, it may do one or both of the following:

- Ask the Trust to change its complaints procedure so that it complies with legal requirements. The ESFA will let the complainant know when the Trust has done this.
- Ask the academy to reconsider the complaint from an appropriate stage in their procedure.

If the academy/Trust does not comply with the recommended actions, the ESFA may seek to act on behalf of the Secretary of State under the terms of the funding agreement (the contract that the Secretary of State holds with an academy/Trust).

8. Monitoring and Review of this Policy

The Resources Committee shall be responsible for reviewing this policy every 3 years or when changes are to be made, to ensure that it meets legal requirements and reflects best practice.

Appendix A

COMPLAINTS AGAINST THE TRUST CENTRAL TEAM OR TRUST BOARD

Complaints made against the Trust Central Team or Trust Board follow the same principles and stages of the procedure form complaints against academies. The differences are the persons who investigate or hear the complaint.

In reading the above policy and procedure the following should be applied:

Complaints Against an Academy		Complaints Against the Trust Central Team		Complaints Against the Trust Board	
Complaint Against	Investigated/Decided By	Complaint Against	Investigated/Decided By	Complaint Against	Investigated/Decided By
Class Teacher or other member of staff	Their line manager: <ul style="list-style-type: none"> • Primary – normally the Headteacher, or Deputy Head • Secondary – Faculty or Department Head, Deputy Head or Headteacher 	Member of staff	Their line manager	A Director	Chair of the Trust Board
Headteacher	Chair of the Academy Council	Chief Operating Officer	Chief Executive Officer	A Committee Chair	Chair of the Trust Board
A Governor	Chair of the Academy Council	Primary Standards Lead	Chief Executive Officer	The Chair of the Trust Board	Clerk to the Trust Board liaises with Diocesan Director of Education
Chair of Academy Council	Chair of the Trust Board	Executive Headteacher	Chief Executive Officer	The whole Trust Board	Clerk to the Trust Board liaises with Diocesan Director of Education
The whole Academy Council	Chair of the Trust Board	Chief Executive Officer	Chair of the Trust Board	A Member of the Trust	Clerk to the Trust Board liaises with Diocesan Director of Education

The Complaints Panel will comprise of at least three persons. The Complaints Panel will usually be made up of:

- 2 Directors who serve on the Trust Board.
- 1 Independent Person who is not involved with the management or running of the Trust.

The panel cannot be made up solely of Directors because they are not independent of the management and running of the Trust. It is a matter for the Trust to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.

The independent member of the panel will not be a Director or an employee of the Trust. For the avoidance of doubt, a Governor of an academy within the Trust may be the independent member of the panel if they are not an employee of the Trust, and they are sufficiently removed from the management and running of the Trust to be considered truly independent.

Appendix B

Approach for dealing with complaints about Governors who serve of the Academy Council

INTRODUCTION

Governors make a special and important contribution to the running of academies. They work hard, giving freely their time, expertise, and skills. However, from time to time, a Governor may act or be deemed to have acted in a way that is not in the best interests of the Academy Council or the academy and, in doing so, may damage the reputation of the Academy Council. The Governor may be acting in good faith or be unaware of the consequences for his/her actions but, nevertheless, the Academy Council should act. The approach to dealing with such issues is set out below.

To ensure Governors are aware of what is expected of them, a Code of Conduct has been prepared and must be signed annually. The Code of Conduct can be obtained from the academy.

THE PROCESS

Complaints about the behaviour or actions of a Governor should be dealt with by the Chair of the Academy Council. However, if the complaint is about the Chair, the Vice-Chair should lead the process suggested below.

The Head of Governance should be contacted to facilitate an investigation if the complaint is:

- ❖ jointly about the Chair and Vice-Chair; or
- ❖ the entire Academy Council; or
- ❖ the majority of the Academy Council.

All correspondence for the Head of Governance at j.johnson@bwcat.org

Informal Stage

A range of informal approaches can be used individually or as linked approaches to resolve any difficulties or disputes in a constructive way.

The following list is not exhaustive:

- ❖ A quiet word from the Chair to explain the problem and suggest how to ensure it does not recur. This may be done in the presence of the Headteacher or another member of the Academy Council.
- ❖ A general training or information item for all Governors covering behaviour and conduct at an Academy Council meeting.
- ❖ The Chair could refer Governors to the relevant section of the Trust Scheme of Delegation and DfE Governance Handbook.
- ❖ Training for all Governors at an Academy Council meeting.
- ❖ The individual Governor can be asked to attend an appropriate training course.
- ❖ Specific training for the Governor can be delivered in the academy (maybe with a small group of other Governors); and/or
- ❖ A meeting with the Chair and Headteacher to explain the effect of the behaviour.

The Chair of the Academy Council should keep a record of any of these steps used, in the event that the behaviour continues and results in action being taken to remove the Governor.

Formal Stage

If the Chair of the Academy Council determines that the complaint needs to be dealt with formally, the following process should be followed:

- ❖ The Chair should meet with the Governor to clarify the extent of the behaviour or disagreement and the reasons for it and produce an agreed summary in writing. The Governor should be given an opportunity to respond. Setting a reasonable time limit would be helpful. It may be possible to close the issue at this point with formal guidance or a warning or rebuke, either orally or in writing, depending on the seriousness of the issue.
- ❖ If the Chair is not satisfied with the response, then the investigation should be held. The Chair should contact the Trust Head of Governance.
- ❖ The Head of Governance then investigates the issue, taking evidence from all interested parties. As interviews are likely to be a part of this process another person should accompany the Head of Governance. The investigation should be documented in full, including notes of interviews that should be checked back for accuracy with the interviewees.
- ❖ The Head of Governance should report back in writing to the Chair of the Academy Council and the Chair of the Trust Board.

Appendix C

BWCAT STAGE TWO COMPLAINT FORM

It is important that you attempt to resolve any difficulties in the first instance by discussing your concern/complaint with a member of staff at the academy. Many complaints can be settled on an informal basis over the telephone by speaking directly with a member of staff.

If you have tried this and are still not satisfied with the response, then please fill in all the sections of this form and return it to the academy addressed to the Headteacher. The form should be completed and **submitted within 3 months of the incident** for the complaint to be considered.

Your Name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Daytime telephone number:
Evening telephone number:
Email address:
Please give details of your complaint including whether you have spoken to anybody at the academy about it and their response:
What actions do you feel might resolve the problem at this stage?

--

Are you attaching any Paperwork/evidence? If so, please give details.

Signature:

Date:

Academy Use Only
Date acknowledgement sent:

By Whom:

Complaint referred to Executive/ Headteacher/Designated Member of Staff:

Date:

Appendix D

BWCAT STAGE THREE COMPLAINT FORM

If you are not satisfied with the response received from the Headteacher's investigation of your complaint, then please complete this form and return the form addressed to the Chair of the Academy Council, please send the form to Clerks@bwcat.org. The form should be completed and **submitted within 10 school days of receipt of the Headteacher's response** for the complaint to be progressed.

Your name:
Date Executive/ Headteacher's response received:
Please give details of why you are not satisfied with the Executive/ Headteacher's response.
What actions do you feel might resolve the problem at this stage?

Are you attaching any new paperwork/evidence? If so, please give details.

Signature:

Date:

Academy Use Only

Date acknowledgement sent:

By whom:

Complaint referred to Chair of the Academy Council/Designated Person:

Date:

Appendix E

BWCAT STAGE FOUR COMPLAINT FORM

If you are not satisfied with the response received from the Chair of the Academy Council investigation of your complaint, then please complete this form addressed to the Chair of the Academy Council, please send the form to Clerks@bwcat.org The form should be completed and **submitted within 10 school days of receipt of the Chair of Academy Council's** for the complaint to be progressed.

Your Name:
Date Chair of the Academy Council's response received:
Please give details of why you are not satisfied with the Stage 3 response. Please provide any further details that you would wish to share with the Complaints Panel hearing your complaint.
What actions do you feel might resolve the problem at this stage?
Are you attaching any new paperwork/evidence? If so, please give details.
Signature: Date:
Academy Use Only Date acknowledgement sent: By whom: Complaint referred to Chair of Complaints Panel: Date:

The 16 schools in our Trust:

St. Mary's Menston, a Catholic Voluntary Academy

St. Joseph's Catholic Primary School Otley, a Voluntary Academy

Ss Peter and Paul Catholic Primary School, a Voluntary Academy

Sacred Heart Catholic Primary School Ilkley, a Voluntary Academy

St Mary's Horsforth Catholic Voluntary Academy

St. Joseph's Catholic Primary School Pudsey, a Voluntary Academy

St Joseph's Catholic Primary School Harrogate, a Voluntary Academy

St Mary's Catholic Primary School Knaresborough, a Voluntary Academy

St. Stephen's Catholic Primary School and Nursery, a Voluntary Academy

Holy Name Catholic Voluntary Academy

St Roberts Catholic Primary School, a Voluntary Academy

St John Fisher Catholic High School Harrogate, a Voluntary Academy

St Joseph's Catholic Primary School Tadcaster, a Voluntary Academy

Barkston Ash Catholic Primary School, a Voluntary Academy

St Joseph's Catholic Primary School Barnoldswick, a Voluntary Academy

St Wilfrid's Catholic Primary School, a Voluntary Academy



The Bishop Wheeler Catholic Academy Trust

The Bishop Wheeler Catholic Academy Trust is a charity and a company limited by Guarantee, registered in England and Wales.

Company Number: 8399801

Registered Office: Bradford Road Menston, LS29 6AE

Website: www.bishopwheelercatholicacademytrust.org

Tel: 01943 883000

Email: j.johnson@bwcat.org

Chair of the Trust Board: Mrs Diane Gaskin