

## COMPLAINTS POLICY STATEMENT

*'This policy will be implemented in a way which honours the vision that every FCJ school is a community of persons - students, staff, governors - bound together in mutual respect and ready to rely on each other in fulfilling their privileged task as educators in a Catholic school.'*

### 1. Compliance

1.1. This complaints policy statement has been drafted with regard to the following statutory provisions and guidance:

- 1.1.1. Education (Independent School Standards) (England) Regulations 2014
- 1.1.2. Education and Skills Funding Agency's guidance, "Best practice guidance for academies complaints procedures" 12 March 2021

### 2. About this policy

- 2.1 Upton Hall School FCJ is committed to attaining and maintaining the highest standards achievable. There can be occasions when matters fall short of the required standard. This complaints policy has been prepared to allow those with issues to raise them with the School and provides a set of stages for how complaints will be dealt with in an efficient and fair way.
- 2.2 Complainants must raise a 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. The School may consider complaints made outside of this time frame only if exceptional circumstances apply.
- 2.3 There are three stages to the School's complaints policy. It is the School's aim to ensure that the vast majority of complaints raised are dealt with informally at Stage One.
- 2.4 In the event that the complaint cannot be resolved at an informal level, this policy sets out a formal procedure for complaints to be investigated and resolved.
- 2.5 "School days" means a school day during term time and does not include inset days, weekends, bank or public holidays or any other days that are outside term time.
- 2.6 Whilst this policy permits a complainant to be joined by a representative at any stage 2 or stage 3 meeting, legal representation is discouraged.
- 2.7 Anonymous complaints will not be accepted. However, the Headteacher or Chair of Governing Body may determine that the information provided warrants an investigation outside of this complaints policy.
- 2.8 All parties must observe mutual dignity and respect throughout the complaints policy's procedures.
- 2.9 For the avoidance of doubt, electronic recordings that have been obtained covertly and without the informed consent of all parties being recorded will not be accepted or considered as evidence.

### 3. Who this policy applies to

- 3.1 This policy applies to parents and individuals who have a complaint regarding the pupils, employees, governors, trustees, premises of the School, whether he/she is a parent or guardian of a pupil, or a member of the School's local community ("the Complainant").
- 3.2 This policy does not apply to complaints arising from:
  - 3.2.1 admissions;
  - 3.2.2 child protection and safeguarding investigations;
  - 3.2.3 exclusions;
  - 3.2.4 school re-organisation proposals;
  - 3.2.5 services provided by third party suppliers/contractors who may use the School's premises;
  - 3.2.6 employee grievances and disciplinary procedures;
  - 3.2.7 statutory assessment of special educational needs;
  - 3.2.8 withdrawal from the curriculum; and,
  - 3.2.8 whistleblowing.

- 3.3 The School reserves the right to reject a vexatious complaint. Vexatious complaints may be characterised (but are not limited to) the following:
- 3.3.1 complaints which are obsessive, persistent, harassing, prolific, repetitious;
  - 3.3.2 insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
  - 3.3.3 insistence upon pursuing meritorious complaints in an unreasonable manner;
  - 3.3.4 complaints which are designed to cause disruption or annoyance; and/or
  - 3.3.5 demands for redress that lack any serious purpose or value.

#### 4. Stage One – informal

- 4.1 The Complainant should first approach the Form Teacher of the pupil concerned or alternatively another member of the School’s employees (“Member of Staff”) if the complaint is not School specific. If the Complainant is not a parent or guardian of a pupil, he/she should direct his/her complaint to the Headteacher.
- 4.2 The Complainant may raise his/her complaint in person, by telephone or in writing.
- 4.3 The Complainant should be prepared to give details of the circumstances which have given rise to the complaint that he/she wishes to raise, and express how he/she would like the matter to be dealt with or how he/she sees a resolution being achieved. It may be necessary to put these details in writing (“the Complaint”).
- 4.4 There may be some occasions where the Complaint can be resolved on the spot. If that is achievable, details of the concern and the resolution will be recorded by the Member of Staff for monitoring purposes.
- 4.5 There may be some complaints which require further enquiries, with accounts being taken from other parties involved. The Member of Staff dealing with the Complaint at Stage One will make a record of the issues raised, and will carry out those enquiries. The Member of Staff shall endeavour to conclude the enquiries within five School days from the date when the Complaint was made.
- 4.6 Once the enquiries have been concluded, the Member of Staff will contact the Complainant and provide:
- 4.6.1 a summary of his/her understanding of the Complaint raised;
  - 4.6.2 a summary of the information which he/she has discovered as part of his/her Stage One enquiries (if required to be undertaken);
  - 4.6.3 provide the School’s response to the Complaint and an explanation as to how the response has been reached;
  - 4.6.4 confirm whether any action is to be taken; and,
  - 4.6.5 confirm that the matter will be logged and that a record will be retained to ensure that steps can be taken to avoid the issue arising again.

#### 5. Stage Two – formal complaint

- 5.1 If the Complainant is not satisfied that the matter has been resolved at Stage One, he/she can progress his/her Complaint to the formal procedure under Stage Two (“Stage Two Complaint”).
- 5.2 The Complainant will be required to complete the School’s Stage Two Complaint form. A copy of the form is attached at appendix one of this policy. When the Complainant has raised an issue with completing the Stage Two Complaint Form then the School will make reasonable adjustments if required under equality law.
- 5.3 The completed form should be addressed to the Headteacher of the School. If the Complaint concerns the Headteacher, the form should be addressed to the Chair of the Governing Body marked ‘private and confidential’.
- 5.4 Complainants who fail to properly particularise a complaint may have their complaint rejected. The School will invite complainants to address any lack of detail or information to allow for the complaint to be considered prior to rejecting a complaint.
- 5.5 The Stage Two Complaint form will be acknowledged in writing within five School days.
- 5.6 The Letter of Acknowledgement will provide:
- 5.6.1 the contact details of the Headteacher or the Chair of the Governing Body; and,

- 5.6.2 specify that the Complaint will be investigated within ten School days (“the Stage Two Investigation”).
- 5.7 During the Stage Two Investigation, the Complainant is required to keep the details of the Complaint private and confidential. This is to enable a just and fair investigation to be undertaken. Any steps taken by the Complainant which do not preserve the confidentiality of the Complaint may undermine the efficiency and effectiveness of the Stage Two Investigation and could require separate action to be taken to address any such breach of confidentiality.
- 5.8 The Headteacher or Chair of the Governing Body will be entitled to delegate the Stage Two investigation to another senior Member of Staff or Governor, so long as he/she has not been involved with the Complaint at Stage One or in any other way (“the Investigating Officer”).
- 5.9 In the event that the Stage Two Complaint is about the Headteacher or Chair of the Governing Body, or if the Headteacher/Chair of the Governing Body has dealt with the matter at Stage One, the Stage Two Complaint will be dealt with by another member of the School’s senior management team or another member of the Governing Body, whichever is deemed to be more appropriate in the circumstances by the School.
- 5.10 The Complainant may be invited to attend a meeting with the person appointed to deal with the Complaint at Stage Two to discuss the Stage Two Complaint (“Stage Two Meeting”).
- 5.11 If it is deemed necessary to hold a Stage Two Meeting it will be arranged within five School days (and not more than fifteen School days) from the date of the Letter of Acknowledgement referred to at paragraph 5.6 of this policy.
- 5.12 The Complainant will be entitled to be accompanied at the Stage Two Meeting by one of the following:
- 5.12.1 a relative;
  - 5.12.2 a friend; or,
  - 5.12.3 a representative.
- 5.13 At the conclusion of the Stage Two Investigation, a decision will be made regarding the outcome of the Stage Two Complaint. The decision will be confirmed in writing within five School days of the Stage Two Meeting or, when a meeting is not arranged, the end of the Stage Two Investigation. The outcome will be shared with all relevant parties.
- 5.14 If a Stage Two Meeting is held minutes will be taken by an appropriate person appointed by the School.
- 5.15 If further investigations are necessary and published timescales cannot be met, the Investigating Officer will;
- 5.15.1 set new time limits; and,
  - 5.15.2 send the Complainant details of the new deadline and explain the delay.
- 5.16 A record of the Stage Two Complaint, along with any documentation prepared during the Stage Two Investigation, and (if applicable) the Stage Two Meeting minutes, will be retained by the School for six years.

## **6. Stage Three – Complaints Panel (parental/legal guardian complaints only)**

- 6.1 If the Complainant is not satisfied with the outcome at the conclusion of Stage Two, he/she may progress the Complaint to Stage Three (“the Stage Three Complaint”).
- 6.2 The Complainant will be required to write to the Clerk of the Governing Body (“the Clerk”) to request that the Complaint be dealt with at Stage Three within five School days of the date of the outcome for Stage Two. (Contact details for the Clerk will be available from the School’s General Office or the School’s website). The Complainant must set out why they are not satisfied with the outcome of the Stage Two Complaint and why they seek for the Complaint to be dealt with at Stage Three.
- 6.3 The Stage Three Complaint will be considered by a complaints panel (“the Panel”).
- 6.4 The Panel will have three members:
- 6.4.1 two members from the Governing Body who have had no involvement with the Stage Three Complaint at Stage One or Stage Two; and
  - 6.4.2 one independent member who has no involvement with the management and running of the School.
- 6.5 Within three School days of a written request for the Complaint to be considered at Stage Three, the

Clerk will acknowledge the request in writing and will endeavour to arrange for a meeting of the Panel to take place within ten School days (“the Panel Meeting”).

- 6.6 The Complainant will be entitled to be accompanied at the Panel Meeting by one of the following:
  - 6.6.1 a relative;
  - 6.6.2 a friend; or,
  - 6.6.3 a representative.
- 6.7 For the purposes of this section the party which is the subject of the Stage Three Complaint will be referred to as the ‘Respondent’.
- 6.8 The Complainant and the Respondent will be entitled to submit any relevant documentation for the Panel’s consideration. The documentation must be submitted to the Clerk three clear School Days before the date of the Panel Meeting.
- 6.9 The Complainant and the Respondent must provide copies to each other of any documents submitted for the Panel’s consideration three clear School days before the Panel Meeting.
- 6.10 The Complainant and the Respondent will also be entitled to call any witnesses which each may reasonably require in order to support their submissions to the Panel. Details of the witnesses must be provided to the Clerk and other party three clear School days before the Panel Meeting.
- 6.11 The Panel Chair shall have an absolute discretion as to whether the Panel will consider any party’s documents or hear witnesses where there has been non-compliance with either paragraphs 6.8, 6.9 or 6.10 of this policy.
- 6.12 Minutes of the Panel Meeting will be taken by the Clerk of the Governing Body or an appropriate person appointed by the School.
- 6.13 At the Panel Meeting, the Chair of the Panel will explain how the Panel Meeting will be structured. The Panel will invite the Complainant to outline the Complaint, to refer the Panel to any of the documents submitted in compliance with paragraphs 6.8 and 6.9, and to call on any witnesses he/she has identified in accordance with paragraph 6.10 of this policy statement. The Complainant will be entitled to put questions to his/her witnesses. The School and the Panel will also have the right to put questions to the Complainant’s witnesses once the Complainant has concluded his/her questions.
- 6.14 The Respondent will be invited to make its submissions once the Complainant has concluded his/her submissions to the Panel.
- 6.15 The Panel will invite the Respondent to outline its response to the Complaint, to refer the Panel to any of the documents submitted in compliance with paragraphs 6.7 and 6.8 above, and to call on any witnesses it has identified in accordance with paragraph 6.8 of this policy statement. The Respondent will be entitled to put questions to its witnesses. The Complainant and the Panel will also have the right to put questions to the Respondent’s witnesses once the Respondent has concluded its questions.
- 6.16 When the Panel has heard the Complainant and the Respondent’s submissions, it will adjourn to consider its decision.
- 6.17 If the Panel is able to, it will deliver its decision at the conclusion of the Panel Meeting. A copy of the decision will be provided in writing within five School days to the Complainant, the Respondent and the Headteacher/Chair of the Governing Body (as applicable) of the School.
- 6.18 If the Panel is unable to reach a decision at the conclusion of the Panel Meeting, it will be entitled to adjourn the Panel Meeting and to deliver its decision in writing to the Complainant, the Respondent and the Headteacher/Chair of the Governing Body (as applicable) of the School within five School days. The outcome will also be delivered to any other relevant party as the Chair of the Panel deems necessary.
- 6.19 A record of the Stage Three Complaint, along with documentation submitted to the Panel, and the Panel Meeting minutes, will be retained by the School for six years.

## **7. Stage Three Complaints - (non-parents/legal guardians)**

- 7.1 If the Complainant is not satisfied with the outcome at the conclusion of Stage Two, he/she may progress the Complaint to Stage Three (“the Stage Three Complaint”).
- 7.2 The Complainant will be required to write to the Clerk of the Governing Body (“the Clerk”) to request that the Complaint be dealt with at Stage Three within five School days of the date of the outcome for Stage Two. (Contact details for the Clerk will be available from the School’s General Office or the

School's website). The Complainant must set out why they are not satisfied with the outcome of the Stage Two Complaint and why they seek for the Complaint to be dealt with at Stage Three.

- 7.3 The Clerk will arrange for the Chair of the Governing Body to review the Stage Two Investigation. In the event that the Chair of the Governing Body has dealt with the matter at Stage One or Stage Two, or the Complaint is about him/her, another member of the Governing Body will be appointed to deal with the Stage Three Complaint.
- 7.4 The Complainant may be invited to attend a meeting with the Governor appointed to deal with the Stage Three Complaint to discuss matters further. ("Stage Three Meeting"). For the avoidance of doubt, the arrangement of a Stage Three Meeting is entirely at the discretion of the Governor appointed to deal with the Stage Three Complaint.
- 7.5 The Complainant will not be entitled to be accompanied at the Stage Three Meeting without the prior permission of the appointed Governor.
- 7.6 If a Stage Three Meeting is held, the Complainant will be able to put forward their Complaint in order to assist the Governor to consider the issues before making a determination.
- 7.7 Minutes of the Stage Three Meeting will be taken by an appropriate person appointed by the School.
- 7.8 The Governor appointed to deal with the Stage Three Complaint will endeavour to communicate their decision about the Complaint in writing within five School days of the Stage Three Meeting or of being provided with the request for the Complaint to be dealt with at Stage Three. If further time is required then the Complainant will be notified.

## **8. Managing Complaint Campaigns**

- 8.1 It is possible that we may become the focus of a 'campaign' and receive large volumes of complaints, including on social media:
  - 8.1.1 all based on the same subject;
  - 8.1.2 from complainants unconnected with the school or Trust.
- 8.2 The Department for Education and EFSA acknowledge that there are occasions when it is necessary or reasonable for us to deviate from our published complaints procedure. The School considers that a complaint campaign constitutes such an occasion.
- 8.3 In the event that we believe a complaints campaign is being pursued we will write to the complainants and advise them that we are to adopt an alternative approach to the complaint which addresses the issues raised but also ensure a fair and proportionate use of our resources can be applied.
- 8.4 If the complaint relates to the School the Headteacher will consider the matters raised and issue a response to the complainants or publish it on the school's website, whichever is deemed to be the most efficient way to respond.
- 8.5 If the complaint is about the Headteacher then the Chair of Governors will consider the matters raised and issue a response. If the Chair is the subject of the complaint another Governor will be appointed to consider the complaint and respond.
- 8.6 If the Complainants remain dissatisfied with the School's response, they will be directed to the Department for Education.

## **9. Record keeping**

- 9.1 As stated in this policy statement, records of concerns and complaints will be kept for monitoring and inspection purposes.
- 9.2 Records will include outcomes, relevant documents and any actions taken as a result of the concern or complaint being raised.
- 9.3 Records will be kept secure and confidential. However, there may be occasions when there is a legal obligation to permit a third party to inspect the records or for them to be provided as evidence to relevant agencies or in judicial proceedings.

## **10. Appropriate behaviour**

- 10.1 **The school:** As indicated throughout the policy, it is the School's wish to work collaboratively with parents or any other complainant to bring about an efficient and just resolution to any concern or complaint. The School wishes to work in accordance with this policy and review the policy annually to ensure it follows best practice and is modified in the light of experience.

**The complainant:** We expect the tone of all complaints to be expressed in a courteous manner, in the knowledge that the school wishes to assist them and to co-operate with the process which is based on mutual dignity and respect.

10.2 In line with best practice guidance, if an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, the school can implement a tailored communication strategy, which may include:

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

## 11. Monitoring complaints

11.1 The Headteacher will report on the operation of the Complaints Procedure to the Governing Body once a year. This report will include:

- the number of formal complaints that have been made
- the number that have been satisfactorily dealt with at the point of the original investigation
- the number of occasions on which the Appeal Panel has met
- any significant amendments to school policy or practice as a result of the complaints made
- any issues that have arisen in the operation of the Complaints Procedure.

11.2 The Headteacher's report will respect the confidentiality of the individual.

11.3 In the light of the Headteacher's report, the Governing Body will consider whether or not the complaints procedure should be amended in any way.

## 12. Complaint to the Education and Skills Funding Agency

12.1 If the Complainant remains unsatisfied with the outcome of the Complaint at the conclusion of Stage Three, he/she may raise the Complaint with the Education and Skills Funding Agency ("ESFA").

12.2 Preferably, the Complainant should put the Complaint to the ESFA in writing.

12.3 The Complaint can be submitted electronically using the enquiries form on the ESFA's website, or alternatively by sending it to the address below:

ESFA – Academies Complaint and Customer Insight Unit  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

12.4 Further information about submitting a complaint to the ESFA can be found on its website.

## Appendix One Upton Hall School

### STAGE TWO COMPLAINT FORM

<b>Name of Complainant</b>	
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<b>Complainant's Address</b>	
<b>Complainant's contact number</b>	
<b>Relationship to School</b>	
<b>Reason for complaint</b>	

<b>Details of complaint to be considered/investigation (continue on separate pages)</b>
<p>What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?</p>

What do you think we should do? i.e. what would you like to happen as a result of your complaint?

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

The Stage Two Complaint Form should be completed and sent to the Headteacher of the School. In the event that the complaint is about the Headteacher, the form should be submitted for the attention of the Chair of the Governing Body.