



## COMPLAINTS POLICY

This policy has been approved and adopted by the Christus Catholic Trust across all their academies and it will apply to all staff within the Trust.

Effective from:	Immediate
Adopted by the Trust Board on:	September 2022
Monitored and reviewed by:	September 2023

***Christus Catholic Trust wishes to build a welcoming community of faith that has Christ at the centre, where all within our schools' communities have a love of God and a love of one another. Prayer and liturgy will shape our daily life.***

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\*Adapted from DfE 2021 model complaints policy for academies

## 1. GENERAL PRINCIPLES

Christus Catholic Trust (CCT) and its academies are committed to providing the very highest standards of education and support and places great value on its strong partnership with parents and the wider community. However, we recognise that from time-to-time concerns or complaints may arise and it is our aim to work with all parties involved towards a satisfactory resolution.

The aim of this procedure is to enable those involved to reach a resolution of their concerns by providing a transparent and easily understood process for handling complaints. We will do this by:

- Attempting to resolve concerns through informal discussions at the earliest stage
- Providing contacts and a timescale for a response to be made by the Academy or Trust
- Focusing on resolving complaints rather than apportioning blame
- Promoting confidentiality and discretion
- Being forthright in dealing with vexatious, abusive and malicious complaints

Complaints will be managed in line with the 'Complaints Process' set out within this procedure.

## 2. THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT

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

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

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. Christus Catholic Trust and its academies take concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the headteacher/CSEL, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the headteacher/CSEL 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.

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

### 3. SCOPE OF THIS COMPLAINTS PROCEDURE

This procedure covers all complaints about any provision of community facilities or services by an academy within Christus Catholic Trust or Christus Catholic Trust itself, other than complaints that are dealt with under other statutory procedures, including those listed below.

<b>Exceptions</b>	<b>Who to contact</b>
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Matters likely to require a Child Protection Investigation	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy 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 Multi-Agency Safeguarding Hub (MASH).</p> <p>Essex LADO: <a href="mailto:lado@essex.gov.uk">lado@essex.gov.uk</a>; 03330 139 797            Thurrock LADO: <a href="mailto:lado@thurrock.gov.uk">lado@thurrock.gov.uk</a>; 01375 652 732</p>
Exclusion of children from school*	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the Academy's complaints procedure.</i></p>
Whistleblowing	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns should complain through the 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 Trust wide internal grievance policy.
Staff conduct	<p>Complaints about staff will be dealt with under the Trust wide staff conduct policy, 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.

If a complainant commences legal action against Christus Catholic Trust, or an academy within Christus Catholic Trust, in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

#### **4. WHO CAN MAKE A COMPLAINT?**

This procedure applies to Christus Catholic Trust and any academy within CCT and applies to concerns or complaints brought by parents and carers of pupils at any academy within Christus Catholic Trust but also by members of the public about any provision or facilities or services provided by CCT.

Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

#### **5. HOW TO RAISE A CONCERN OR MAKE A COMPLAINT**

In general, 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.

These complaints procedures are designed so that individual parents/cares/stakeholders can raise issues with the school. The process is designed for the school to respond on an individual basis, and therefore complaints must be submitted in this manner. It is not appropriate, and the school/Trust will not consider, complaints which are made by one individual on behalf of a group of parents/carers/pupils or stakeholders.

Complaints against school staff (except the head teacher) should be made in the first instance, to the individual academy headteacher via the school office. Please mark them as Private and Confidential, if you chose to write.

Complaints that involve or are about the head teacher of an academy should be addressed to the Chair of Governors of the Local Governing Committee via the school office. Please mark them as Private and Confidential, if you chose to write.

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, if you chose to write.

Complaints about the Catholic Senior Executive Leader (CSEL) or a trustee of the Trust, should be addressed to the Chair of Trustees, via the trust office. Please mark them as Private and Confidential, if you chose to write.

For further information, please refer to section 11, which outlines the full complaints process.

For ease of use, a template complaint form is included at the end of this procedure (Appendix A). If you require help in completing the form, please contact the school office or trust office. You can also ask a third-party organisation for example like the Citizens Advice to help you.

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.

## **6. ANONYMOUS COMPLAINTS**

We will not normally investigate anonymous complaints. However, the head teacher, Chair of Governors of the Local Governing Committee or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

## **7. TIME SCALES**

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.

## **8. COMPLAINTS RECEIVED OUTSIDE 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.

## **9. RESOLVING COMPLAINTS**

At each stage in the procedure, we want 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 policies in light of the complaint
- an apology.

## **10. WITHDRAWAL OF A COMPLAINT**

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

## **11. COMPLAINTS PROCESS**

The Complaints Process is split into two substantive sections:

- A. Complaints concerning an individual academy within the trust
- B. Complaints concerning the trust, CSEL, or trustee

### **A. COMPLAINT CONCERNING AN INDIVIDUAL ACADEMY WITHIN THE TRUST**

#### **Stage 1 – Informal complaints**

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Complaints should be raised with either the class teacher, year head / subject head, head teacher or Chair / Vice- Chair of the Local Governing Committee if it concerns an individual academy. Complainants should not approach individual governors or trustees to raise 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.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within ten school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

#### **Stage 2 – Formal complaints**

Formal complaints must be made to the head teacher (unless they are about the head teacher), via the school office. This may be done in person or in writing (preferably on the Complaint Form).

The head teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within three school days.

Within this response, the head teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The head teacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

*Note: The head teacher may delegate the investigation to another member of the academy's senior leadership team but not the decision to be taken.*

During the investigation, the head teacher (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.

At the conclusion of their investigation, the head teacher will provide a formal written response within ten school days of the date of receipt of the complaint.

If the head teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

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 individual academy will take to resolve the complaint.

The head teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the head teacher, or a member of the Local Governing Committee (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2. If the governor is unable to meet the deadlines in stage 2, they will provide the complainant with an update and revised response date.

Complaints about the head teacher or member of the Local Governing Committee must be made to the Clerk, via the school office.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Local Governing Committee or
- the majority of the Local Governing Committee

Stage 2 will be escalated to the Chair of Christus Catholic Trust Board.

### **Stage 3 – Panel Hearing**

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 panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.



A request to escalate to Stage 3 must be made to the Clerk of the Local Governing Committee, via the school office, within 20 school days of receipt of the Stage 2 response.

The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within seven school days.

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 20 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.

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.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Local Governing Committee or
- the majority of the Local Governing Committee

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

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.

If a witness is called 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 (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least seven 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 five school days before the meeting.

Any written material will be circulated to all parties at least three 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.

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.

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.

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.

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 systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the academy concerned with a full explanation of their decision and the reason(s) for it, in writing, 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 individual academy concerned.

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 individual academy will take to resolve the complaint.

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. Furthermore, they will be available for inspection on the school premises by CCT and the head teacher.

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.

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.

### Management of stages

<b>Complaint relates to</b>	<b>Stage 1: Informal</b>	<b>Stage 2: Formal Investigating Officer</b>	<b>Stage 3: Complaint Panel</b>
Pupils, parents or staff (other than the Headteacher)	The appropriate member of staff	The Headteacher or other Senior Manager	Panel appointed by the Chair of Governors of the Local Governing Committee and including one member independent from the running and management of the academy
The Headteacher	The Headteacher	The Chair of Governors or another nominated non-staff Governor of the Local Governing Committee	Panel appointed by the Vice Chair of Governors of the Local Governing Committee. Panel to include a Trustee and one member independent from the running and management of the academy
A Governor or Governors (other than the Chair of Governors)	The Chair of Governors	Another nominated non-staff Governor	Panel appointed by the Vice Chair of Governors of the Local Governing Committee or a Trustee of CCT. Panel to include one member independent from the running and management of the academy
The Chair of Governors (or a group of Governors including the Chair of Governors)	The Vice Chair of Governors of the Local Governing Committee	Another nominated non-staff Governor of the Local Governing	Panel appointed by alternative nominated non-staff Governor of the Local Governing Committee or a Trustee of CCT. Panel to include one

		Committee or Trustee of CCT	member independent from the running and management of the academy
The entire Local Governing Committee or Jointly about the Chair and Vice Chair		Chair of Christ Catholic Trust Board	A panel appointed by the Vice Chair of Christ Catholic Trust Board. Panel to include one member independent from the running and management of the academy

**Note:** Governors or Trustees will not be part of any Stage 3 panel if involved in any of the previous management stages.

## **B. COMPLAINTS CONCERNING THE TRUST, CSEL OR TRUSTEE**

If a complaint is escalated to Christus Catholic Trust “the trust” or if a complainant wishes to complain directly about the trust, then the following procedure should be followed:

- If the complaint has been escalated to the trust, having initially been handled by an individual academy within the trust, the complaint should be sent to the CSEL to be investigated, other than relating to a local governing committee, in which case the complaint should be sent to the Chair of the Trust Board. The complaint will then be dealt with under Stage 2 of this Complaints Policy.
- If the complaint has been made directly to the Trust, it will be dealt with, initially, under Stage 1 of this Complaints Policy.

### **Stage 1 – Informal complaints**

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Complaints should be raised with either the relevant trust officer, CSEL or Chair / Vice-Chair of Trustees. Complainants should not approach individual trustees 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.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 15 school days of the date of receipt of the complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

### **Stage 2 – Formal complaints**

Formal complaints must be made to the CSEL (unless they are about the CSEL or local governing committees: - Chair of Trust Board), via the trust office. This may be done in person or in writing (preferably on the Complaint Form).

The CSEL will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within five school days.

Within this response, the CSEL will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The CSEL can consider whether a face to face meeting is the most appropriate way of doing this.

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

During the investigation, the CSEL (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.

At the conclusion of their investigation, the CSEL will provide a formal written response within 20 school days of the date of receipt of the complaint. If the CSEL is unable to meet this deadline, they will provide the complainant with an update by this deadline and revised response date.

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 trust will take to resolve the complaint.

The CSEL will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint concerns the CSEL, a local governing committee, 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

*NB. 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 clerk.*

### **Stage 3 – Panel Hearing**

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 20 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 seven school days.

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 20 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.

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.

If the complaint is:

- jointly about the Chair and Vice Chair of the trust board or
- the entire trust board or
- the majority of the trust board

Stage 3 will be heard by the Diocese of Brentwood Education Service and the panel members to be independent from the running and management of the Trust.

The Complaint Panel will consist of three members. None of the three members 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.

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.

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.

If a witness is called 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.

Representatives from the media are not permitted to attend.

At least seven 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 five school days before the meeting.

Any written material will be circulated to all parties at least three 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.

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.

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.

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.

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 trust's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and Christus Catholic Trust with a full explanation of their decision and the reason(s) for it, in writing, within ten 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 Christus Catholic Trust.

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 Christus Catholic Trust will take to resolve the complaint.

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. Furthermore, they will be available for inspection by authorised individuals by the clerk.

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.

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.

### Management of stages

<b>Complaint relates to</b>	<b>Stage 1: Informal</b>	<b>Stage 2: Formal Investigating Officer</b>	<b>Stage 3: Complaint Panel</b>
Academy Trust employee (other than CSEL)	The appropriate Academy Trust employee	Trust CSEL (or the Chair of Christus Catholic Trust Board or other nominated Trustee)	Panel of Trustee's appointed by the Chair or Vice-Chair of the Trust. Panel to include one member independent from the running and management of the Trust
Trust CSEL	CSEL	Chair of Christus Catholic Trust Board or other nominated Trustee	Panel of trustees appointed by the Vice-Chair of the Trust. Panel to include one member independent from the running and management of the Trust
Trustee (other than the Chair of the Trust)	Chair of Christus Catholic Trust Board	Another nominated Trustee	Panel of trustees appointed by the Vice-Chair of the Trust. Panel to include one member independent from the running and management of the Trust
The Chair of the Trust (or a group of Directors including the Chair of Directors)	Vice-Chair of Christus Catholic Trust Board	Another nominated Trustee	Panel of trustees appointed by an alternative trustee. Panel to include one member independent from the running and management of the Trust
The whole body of Trustees		The Diocese of Brentwood Education Service or a person	A panel appointed by the Diocese of Brentwood Education Service. Panel



		appointed by them who must be independent from the running and management of the Trust.	members to be independent from the running and management of the Trust
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**Note:** Trustees will not be part of any Stage 3 panel if involved in any of the previous management stages.

## 12. COMPLAINT TO ESFA

If the complainant believes the individual academy / 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.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by Christus Catholic Trust or its individual academies. They will consider Christus Catholic Trust or its individual academies have 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](#).

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://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

## 13. ROLES AND RESPONSIBILITIES

### 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 individual academy/trust 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.

### **Investigator**

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.

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 that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

### **Complaints Co-ordinator**

This will be:

- the headteacher if a complaint is made to an individual academy, unless it concerns the headteacher or governors (refer to management of stages table).
- the CSEL if a complaint is made to the trust, unless it concerns the CSEL, local governing committee or trustees (refer to management of stages table).

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, head teacher, CSEL, 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.

### **Clerk to the Local Governing Committee / 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, 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.

### **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 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

- all parties 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
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator).

### **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 academy/trust 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.

## 14. MANAGING SERIAL AND UNREASONABLE COMPLAINTS

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

We define unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with individual academies or the trust such as, if the complainant:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process
- refuses to accept that certain issues are not within the scope of the complaints procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- changes the basis of the complaint as the investigation proceeds repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- refuses to accept the findings of the investigation into that complaint where the complaints procedure has been fully and properly implemented and completed including referral to the Department for Education / Education & Skills Funding Agency (ESFA)
- seeks an unrealistic outcome
- makes excessive demands on trust/school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.

Complainants should try to limit their communication with the individual academy that their complaint relates to, or the trust, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text), as it could delay the outcome being reached.

Whenever possible, the Headteacher, Chair of Governors of the Local Governing Committee, CSEL of the Trust or Chair of the Trust Board will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher, Chair of Governors of the Local Governing Committee, CSEL of the Trust or Chair of the Trust Board will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact Christus Catholic Trust or any of its academies, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from Christus Catholic Trust and its individual academies.

## 15. RESPECTFUL BEHAVIOUR

We are very fortunate to have a supportive and friendly community, who recognise that educating children is a process that involves partnership between parents, teachers, and the wider community. As a partnership, our community will understand the importance of good working relationships to equip children with the necessary skills for adulthood. For these reasons, we continue to welcome and encourage our community to participate fully in the life of Christus Catholic Trust and the academies within it.

Nevertheless, Christus Catholic Trust expects parents/carers and the wider community to conduct themselves in an acceptable manner when communicating with individual academies or the trust in conjunction with any queries or concerns they have and while on individual academies and trust premises. This is so we can continue to flourish, progress, and achieve in an atmosphere of mutual understanding.

### **Expected conduct**

We expect parents/carers and the wider community to:

- Respect and be respectful to our caring ethos
- Understand that both teachers/staff, parents and the community need to work together for the benefit of their children
- Demonstrate that **all** members of the trust/school community should be treated with respect and therefore set a good example in their own speech and behaviour

- Bring about a peaceful solution to any issue and work collaboratively to help resolve any issues of concern

### **Unacceptable conduct\***

In order to support a peaceful and safe educational environment we cannot and **will not** tolerate parents/carers or the wider community exhibiting the following:

- Disruptive behaviour which interferes or threatens to interfere with the operation of a classroom, employee's office, office area or any area of the trust/school grounds
- Using loud or offensive language, swearing, cursing, using profane language or displaying temper towards members of staff, governors, trustees, other parents/carers, and visitors at any time
- Threaten to do actual bodily harm to a member of staff, governor, trustee, fellow parent/carer, or pupil, regardless of whether or not this behaviour constitutes a criminal offence
- Damaging or destroying trust property
- Abusive or threatening emails, text/voicemail/phone messages or other written communication
- Defamatory, offensive, or derogatory comments regarding the trust, an individual academy within the trust or any of the pupils, parents, staff, governors, trustees on Facebook or other social media sites
- Openly displaying disrespect to any member of staff or governor/trustee
- Use of physical aggression towards another adult or child. This includes physical punishment against your own child on trust/school premises
- Use of defamatory, offensive, or derogatory comments in communication, either verbal or written to a pupil, member of staff, governor or trustee
- Threatening a pupil, member of staff, governor, or trustee either verbally or with written comment
- Use equipment to record conversations members of staff, governors, or trustees
- Approaching someone else's child to discuss or chastise them because of the actions of this child towards their own (such an approach to a child may be seen as an assault on that child any may have legal consequences)

Should any of the above conduct occur on trust/school property, Christus Catholic Trust and its individual academies will take a zero-tolerance approach and will feel it necessary to

contact the appropriate authorities and will consider banning the offending individual from entering the trust/school grounds.

\*Staff is to include visitors, contractors and any other individuals working for individual academies within the trust or the trust itself.

## APPENDIX A - COMPLAINT FORM



### COMPLAINT FORM

Please complete and return to the relevant individual noted in the complaints procedure, who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b> <b>Email address:</b>



**Please give details of your complaint, including whether you have spoken to anybody at the school/trust 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**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Action taken:**

**Date:**