The Catholic High School Chester

Complaints Policy

Approved By	Full Governing Board
Category	Governance
Policy Owner	C. McKeagney
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1. Statement of Intent

1.1 The Catholic High School Chester has a complaints procedure which ensures that we respond to complaints as quickly and effectively as possible. The procedure will set out exactly what will happen with a complaint and how long the process will take.

1.2 This policy has been created to handle complaints relating to any aspects of the provision of facilities or services against:

- Any member of staff
- The academy
- Individual trustees or the board of trustees

1.3 The school values all comments about the school and will endeavour to address the complainants concerns or complaints at the earliest stage possible.

1.4 When making a complaint it is important that the complainant identifies their desired outcome, that is what actions they feel might resolve the problem at any stage. Pupils, parents or carers can make a complaint to the school about most aspects of its function.

1.5 The same complaint could be made jointly by a number of persons, in this case it is expected that a nominee/representative speak on behalf of all complainants, otherwise, all complaints will be dealt with on an individual basis.

1.6 Members of the general public may make complaints to the school if the school is directly responsible for the issue being complained about for example, behaviour of pupils during break-times; health and safety issues of premises and behaviour of staff. These complaints will not fall within the jurisdiction of the Secretary of State or Ofsted, therefore only the Head Teacher and the Governing Board will consider them.

1.7 The policy has been designed to ensure that the academy's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality, and delivers an effective response and appropriate redress.

1.8 The headteacher and/or chair of the trustees will delegate an appropriate person to be the first point of contact during the complaint's procedure.

2. Legal Framework

2.1 This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Freedom of Information Act 2000
- Education Act 2002
- Equality Act 2010
- The Education (Independent School Standards) Regulations 2014
- Immigration Act 2016
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- ESFA (2021) 'Best practice guidance for academies complaints procedures'
- ESFA (2024) **'**Academy trust handbook 2024'

2.2 This policy operates in conjunction with the following school policies:

- Admissions Policy
- Child Protection and Safeguarding Policy
- Behaviour Policy
- Suspension and Exclusion Policy
- Whistleblowing Policy
- Grievance Policy
- Data Protection Policy
- Records Management Policy
- Vexatious Communications Policy

3. Definitions

3.1 For the purpose of this policy, a "**complaint**" is defined as 'an expression of dissatisfaction' towards the actions taken or a perceived lack of action. Complaints can be resolved formally or informally.

3.2 A "**concern**" is defined as 'an expression of worry or doubt' where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.

3.3 Any complaint or concern will be taken seriously, whether raised formally or informally, and the appropriate procedures will be implemented.

3.4 The definition of "**unreasonable complaints**" is outlined in the 'Managing unreasonable complaints' section of this policy.

3.5 For the purpose of this policy, "**duplicate complaints**" are identical complaints received from a complainant's spouse, partner or child. These complaints will not be addressed again and the individual making the second complaint will be informed that the complaint has been dealt with on a local level. If the individual is dissatisfied with the result, they can appeal to the ESFA, as outlined in 'The role of the ESFA' subsection of this policy. Any new details provided by a complainant's spouse, partner or child, however, will be investigated and managed in line with the complaints procedure.

3.6 For the purpose of this policy, "**complaints campaigns**" are where the academy receives large volumes of complaints that are all based on the same subject

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

3.8 In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

4. Making a Complaint

4.1 Any parent and/or carer of a pupil who is or has been on roll at the Catholic High School, Chester will be able to make a complaint about the provision of facilities or services that the academy provides. Any complaints made by other parties may be handled via different procedures to those outlined in this policy. This includes complaints made by a third party on behalf of a parent or carer of a pupil in an academy.

4.2 The academy will not normally investigate anonymous complaints. However, the headteacher of Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

4.3 Individuals making complaints about issues relating to separate statutory procedures will be referred as follows:

- **Admissions** – referred to the appeals process outlined in the Admissions Policy.
- **Child protection** – referred to safeguarding procedures outlined in the Child Protection and Safeguarding Policy.
- **Exclusion** – referred to the procedures outlined in the Behaviour Policy and Suspension and Exclusion Policy.
- **Whistleblowing** – referred to the internal whistleblowing procedures outlined in the Whistleblowing Policy.
- **Staff grievances** – referred to the internal grievance procedures outlined in the Grievance Policy.
- **Staff conduct** – referred to the internal disciplinary procedures.
- **Third-party suppliers using school premises or facilities** – The school will ensure any third-party supplier using school premises or facilities to offer community facilities or services has its own complaints procedures in place and such complaints do not fall within the scope of this policy.

4.4 All other complaints will be directed towards the procedures laid out in this policy.

4.5 Complainants may make complaints in person, in writing or by telephone. Complaints should be made using the appropriate channels of communication.

4.6 Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. The academy upholds a **three-month** time limit in which a complaint can be lodged regarding an incident.

4.7 Complaints made outside this time limit will be considered in exceptional circumstances. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner. Complaints received outside of term time will be treated as being received on the first school day after the holiday period.

4.8 A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants will be given the opportunity to fully complete the complaints procedure.

Complaints about academy staff or trustees

4.9 Complaints against staff will:

- Be dealt with by the headteacher.
- Follow the complaints procedure, including a panel hearing where applicable.

4.10 Complaints against a headteacher will:

- Be dealt with by the chair of trustees.
- Follow the complaints procedure, including a panel hearing where applicable.

4.11 Complaints against trustees will:

- Be made in writing to the clerk, who will arrange for them to be heard.
- Be dealt with by the chair of trustees.
- Potentially involve escalation to conduct an investigation – this will be handled by the CEO.
- Involve a panel hearing where applicable.

4.12 Complaints against the chair of trustees will:

- Be made in writing to the clerk, who will determine the most appropriate course of action dependent on the nature of the complaint.

4.13 Complaints against the board of trustees will:

- Be made in writing to the clerk who will determine the most appropriate course of action dependent on the nature of the complaint.
- Follow the complaints procedure, including a panel hearing where applicable.

4.14 Complaints against the trust will:

- Be made in writing to the clerk who will determine the most appropriate course of action dependent on the nature of the complaint.
- Begin with stage two of the 'Complaints procedure' outlined in this policy, i.e. via a formal, written complaint.

Complaints escalated to the trust

4.15The clerk to the board of trustees will write to the complainant to acknowledge their complaint within **15** school days of receiving it. If appropriate, the CEO will investigate the complaint and provide an initial response.

4.16 Where the complainant is not satisfied with the outcome of the initial response, they will be prompted to write to the clerk to the board of trustees to ask for the complaint to be held before a panel within **10** school days. The clerk will record the date this complaint is received and will respond within **10** school days. The panel hearing will be organised in accordance with stage three of the 'Complaints procedure'.

4.17 If a complaint is escalated beyond the panel, its resolution may involve sourcing an independent investigator to deal with the complaint. In exceptional circumstances, where it is necessary to deviate from the complaints procedure, this deviation will be appropriately documented.

4.18 Information about a complaint will not be disclosed to a third party without written consent from the complainant.

5. Roles and Responsibilities

5.1 The complainant will be responsible for:

- Cooperating with the academy in seeking a solution to the complaint.
- Expressing the complaint and their concerns in full at the earliest opportunity.
- Promptly responding to any requests for information and meetings.
- Asking for assistance as needed.
- Treating anyone involved in the complaint with respect.

5.2 The role of the investigator will differ depending on the nature of the complaint and who it is directed at. This means that:

- For complaints against staff, the investigator will be the headteacher.
- For complaints against the headteacher, the investigator will be the chair of trustees.
- For complaints against trustees, the investigator will be the chair of trustees.
- For complaints against the chair of trustees or the board of trustees, the clerk will appoint an appropriate person to be the investigator.

5.3 The investigator of the complaint will be responsible for:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and pupils.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and clarifying an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

5.4 Where complaints are escalated to a panel hearing, all complaints panel members will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the academy and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
- The panel can:
  - Dismiss or uphold the complaint, in whole or in part.
  - Decide on appropriate action to be taken.
  - Recommend changes that the trust can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.

- When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.

5.5 The panel chair will:

- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- Conduct the hearing in a manner that ensures everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the trust the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

The role of the DfE

5.6 If the complainant believes the school 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 DfE after they have completed Stage 3.

5.7 If a complainant wishes to escalate a complaint, the academy will refer them to the relevant contact form, and prompt them to follow the instructions on this form to submit a complaint to the Secretary of State.

5.8 The DfE will not overturn the academy or panel's decision about a complaint or re-investigate the original complaint. The DfE will only intervene following a complaint if it believes the academy has:

- Breached a clause in its funding agreement.
- Failed to comply with education law or acted unreasonably when exercising related education functions.

5.9 When making a final decision about a complaint, the academy reserves the right to seek advice from the DfE on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

6. Complaints Procedure

6.1 The academy will ensure that the complaints procedure is:

- Easily accessible and publicised on its website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement.
- Fairly investigated, by an independent person where necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

6.2 It is a statutory requirement for academies to have the first three stages (informal, formal and panel hearing) in their complaints procedure.

- **Informal** – which will usually come in the form of a meeting between a representative of the academy and the complainant.
- **Formal** – where the complaint is put in writing to the academy.
- **Panel hearing** – where the panel includes at least three people who were not directly involved in the matters detailed in the complaint and one person who is independent of the management and running of the academy.

6.3 At each stage, complainants will be informed of their options for escalation if they are unsatisfied with the outcome of their complaint. The appropriate person will communicate the details of the next stage of the process when delivering the outcome of the current stage, where applicable.

6.4 To prevent later challenge or disagreement over what was said in any in-person meetings or telephone conversations at any stage of the procedure, brief notes will be kept, and a copy of any written response will be added to the record of the complaint. Notes and paper copies of any complaints and/or responses are kept securely on the academy's ICT system.

Stage one – informal complaint

6.5 An informal complaint may be made in person, by telephone or in writing; however, it is preferred that initial, informal complaints are made via an in-person meeting.

6.6 Where a complaint has been made about a member of staff, the complainant can discuss the concern with the headteacher, or a person delegated to hear the complaint on their behalf, to seek support. If the concern is about the headteacher, the chair of trustees should be informed and will need to handle the complaint.

6.7 Where a complaint is made initially to a trustee, the complainant will be referred to the appropriate person. No member of staff or trustee will act alone on a complaint outside of the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

6.8 Within **10** school days of notification of the complaint, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

6.9 At this initial communication stage of the complaint, the complainant will be asked for their input as to what they believe may resolve the issue about which the complaint has been made to avoid further escalation where possible.

6.10 In line with DfEguidance, complainants should note that any acknowledgement by the trust that it could have handled the situation better is not an admission of unlawful or negligent action.

6.11 If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the person managing the response to the complaint will inform the complainant about the next level of the procedure.

Stage two – formal complaint

6.12 Formal complaints must be made in writing.

6.13 Stage two of the process will be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the person managing the complaint will contact the complainant to inform them of the revised target date via a written notification.

6.14 An appointment with the appropriate person for managing the complaint should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.

6.15 If the complaint is against the headteacher, the complainant will initially need to write, in confidence, to the chair of trustees. The chair will seek to resolve the issue informally, e.g. by arranging a meeting with the complainant within 15 school days, before moving directly to stage three of the procedure.

6.16 Where the appropriate person has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence and a conclusion will be reached in the interests of drawing the complaint to a close.

6.17 In terms of a complaint being made against a member of staff, the headteacher will discuss the issue with the staff member in question. Where necessary, the headteacher will conduct interviews with any relevant parties, including witnesses and pupils, and take statements from those involved. All discussions shall be recorded by the headteacher, and findings and resolutions will be communicated to the complainant either verbally or in writing.

6.18 Once all facts are established, the person handling the complaint shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (e.g. escalation to stage three) and will be provided with details of this process.

6.19 The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR. Any further action the trust plans to take to resolve the issue will be explained to the complainant in writing.

6.20 If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three. A request to escalate to stage three will be made to the clerk to the board of trustees within **10** school days of the end of stage two, i.e. communication of an outcome.

Stage three – panel hearing

6.21 Where the complaint progresses to stage three, a panel will be constituted to hear the complaint, consisting of at least three individuals who were not directly involved in the matters detailed in the complaint, and at least one independent panel member. The independent panel member will not be a member, trustee or employee of the academy. The academy will also ensure the independent panel member does not have any clear connection with the school.

6.22 The clerk will record the date the escalation request was received, acknowledge receipt of the complaint, and inform the complainant of the scheduled time and date of the panel hearing in writing. The meeting will be convened within **15** school days of the receipt of the escalation request where possible. Where this is not possible, the clerk will provide an anticipated date and ensure the complainant is kept up-to-date.

6.23 **5** school days' notice will be given to all parties attending the panel hearing, including the complainant.

6.24 Prior to the hearing, the clerk will have written to the complainant informing them of how the review will be conducted. The headteacher and the chair of trustees will also have a copy of this letter.

6.25 At the hearing, all participants will be given the opportunity to put their case across and discuss any issues. The meeting will allow for:

- The complainant to be present and accompanied at the hearing if they wish.
- The complainant to explain their complaint and the individual handling the complaint to explain the reasons for their decision.
- The complainant to question the individual handling the complaint, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the chair of the panel, to be questioned.
- Members of the panel to question both the complainant and the individual about whom the complaint was made.
- Final statements to be made by both parties involved.

6.26 Neither the complainant nor the academy will bring legal representation to this hearing, unless in exceptional circumstances, where this will be agreed beforehand. A member of staff who may be a witness to the complaint can bring a union representative or legal representative if desired; this will be agreed before the hearing.

6.27 The purpose of the hearing will be reconciliation and ensuring that things that may have gone wrong are corrected.

6.28 The complainant will receive a written response explaining the panel's findings and recommendations within **15** school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

6.29 The panel will make findings and recommendations, and a copy of those findings and recommendations will be made available for inspection on the academy premises by the board of trustees and the headteacher.

6.30 Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

Complaints to the ESFA

6.31 If a complainant has exhausted the trust's complaints procedure, they will be advised that they can submit a complaint to The DfEvia its webpage or by writing to:

Complaints Team

Education and Skills Funding Agency

Cheylesmore House

Coventry

Quinton Road

Coventry

CV1 2WT

Resolving complaints

6.32 At each stage of the complaints procedure, the academy is committed to resolving the complaint. Where appropriate, the trust will acknowledge that the complaint is upheld in whole or in part, and may offer one of the following:

- An explanation
- An admission that the situation could have been handled better
- An assurance that the trust will try and ensure the incident will not occur again
- An outline 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 changes will be made
- An undertaking to review trust policies in light of the complaint
- An apology

Withdrawal of a complaint

6.33 Where a complainant wishes to withdraw their complaint, the academy will ask them to confirm this in writing. Despite the complaint having been withdrawn, the academy will still take the complainant's voice seriously and attempt to avoid causing similar distress to others in the future. The academy will not under any circumstances ask, or pressure an individual, to withdraw a complaint.

Record keeping

6.34 A written record will be kept of all complaints that are made, regardless of the stage at which they are resolved, including any action taken by the trust as a result of those complaints whether they are upheld or not.

6.35 All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or an inspectorate requests access to them.

6.36 Academies are data controllers in their own right and must decide for themselves how long to keep records, unless statutory regulations apply, e.g. attendance records must be kept for 3 years. The trust will retain records of complaints and related documents in line with the Data Protection Policy and Records Management Policy. Personal data will only be kept for as long as necessary.

7. Interviewing Witnesses

7.1 When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

7.2 The academy will ensure that the conduction of interviews does not prejudice an investigation by the LA designated officer (LADO) or police.

7.3 The academy understands the importance of ensuring a friendly and relaxed area which is free from intimidation. Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee. The interviewee will sign a copy of the transcription of the interview.

8. Recording a Complaint

8.1 A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:

- The main issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.

- Actions taken by the academy as a result of the complaint (regardless of whether the complaint was upheld).

8.2 All records are made available for inspection on the academy premises by the academy.

8.3 The academy holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date. Where there are communication difficulties or disabilities, the trust may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.

8.4 Recording devices will not be used without the prior consent of all parties.

8.5 Where the academy allows complainants to record meetings, (other than the purposes of reasonable access), the following will be considered:

- How any decision to allow recordings may affect any third parties called to act as witnesses
- The impact and consequences on the individuals involved in the complaint in the event that recordings are lost or leaked

8.6 The academy will not accept as evidence any recordings that were obtained covertly and without the informed consent of all parties being recorded.

8.7 Details of any complaint made shall not be shared with the entire board of trustees. The exception to this is when a complaint is made against the whole board and they need to be aware of the allegations made against them to respond to any independent investigation.

8.8 Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000. The trust will hold all records of complaints from each academy, as well as those regarding the trust itself, centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection request to access them.

9. Exceptional Circumstances

9.1 The DfEexpects complainants to have completed the trust's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.

- A complainant is being prevented from having their complaint progressed through the trust's complaints procedure.
- The DfEhas evidence that the trust is proposing to act or is acting unlawfully or unreasonably.

9.2 If a social services authority decides to investigate a situation, the board of trustees may postpone the complaints procedure.

10. Managing Unreasonable Complaints

10.1 The academy is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The academy will not normally limit the contact complainants have with the academy itself; however, the academy does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

10.2 For the purposes of this policy, **"unreasonable complaints"** include:

- Vexatious complaints, which:
  - Are obsessive, persistent, harassing, prolific, or repetitious.
  - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
  - Insist upon pursuing meritorious complaints in an unreasonable manner.
  - Are designed to cause disruption or annoyance.
  - Demand for redress which lacks any serious purpose or value.
- Serial or persistent complaints, which:
  - Are duplicated, sent by the same complainant once the initial complaint has been closed.
  - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

10.3 A complaint may also be regarded as unreasonable when 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 cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.

- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on, or raises large numbers of detailed but unimportant questions and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified 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 trust's complaints procedure has been fully and properly implemented and completed, including referral to the ESFA.
- Seeks an unrealistic outcome.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

10.4 A complaint may also be considered unreasonable if the complainant:

- Acts maliciously or aggressively.
- Uses threats, intimidation or violence.
- Uses abusive, offensive or discriminatory language.
- Knows the complaint to be false.
- Uses falsified information.
- Publishes unacceptable information in media such as social media websites and newspapers.

10.5 The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically.

10.6 Complainants should limit the number of communications with the trust while a 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.

10.7 Whenever possible, the member of staff or trustee leading the response to a complaint will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

10.8 Serial or persistent complaints will only be marked as ‘serial’ once the complainant has completed the complaints procedure. It is the complaint that will be marked as ‘serial’, meaning the complainant can complain about a separate issue if necessary.

10.9 If the behaviour continues, the individual handling the complaint will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the trust or any of its academies causing a significant level of disruption, the academy may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

10.10 A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant’s concerns
- The complainant has been given a clear statement of the trust’s position and their options
- The complainant contacts the academy repeatedly, making substantially the same points each time

10.11 If the above criteria are met, in making a decision to stop responding, the academy will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, or if the academy believes their intent is to disrupt or inconvenience the academy.

10.12 The academy will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

10.13 In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

11. Complaints Campaigns

11.1 Where the trust becomes the subject of a complaints campaign from complainants who are not connected with the academy, a standard, single response will be published on the academy’s website.

11.2 If the academy receives a large number of complaints about the same subject from complainants who are connected to the academy, e.g. parents, each complainant will receive an individual response.

11.3 If complainants remain dissatisfied with the academy’s response, they will be directed to the ESFA.

12. Barring from the Premises

12.1 School premises are private property and, therefore, any individual may be barred from entering the premises.

12.2 If an individual's behaviour is cause for concern, the headteacher will ask the individual to leave the premises.

12.3 The headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

12.4 This decision to bar will be reviewed by the chair of trustees where escalated, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.

12.5 Anyone wishing to make a complaint regarding a barring order can do so in writing, including via email, to the headteacher or chair of trustees.

13. Standard of Fluency Complaints

13.1 As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.

13.2 The academy is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.

13.3 The academy will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff.

13.4 If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the 'Complaints procedure' outlined in this policy.

13.5 For the purpose of this policy, a **"legitimate complaint"** is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints. All legitimate complaints regarding the fluency duty will be handled in line with the processes detailed in this policy.

13.6 In addition to the processes outlined in this policy, the trust will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question.

13.7 To assess the merits, the academy will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.

13.8 If the complaint is upheld, the academy will consider what action is necessary to meet the fluency duty. This may include:

- Specific training.
- Specific re-training.
- Assessment.
- Redeployment.
- Dismissal.

13.9 Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

13.10 Records of complaints regarding fluency will be kept in accordance with the processes outlined in the 'Recording a complaint' section of this policy.

14. Transferring Data

14.1 When a pupil changes school, the pupil's educational record will be transferred to the new school and no copies will be kept.

14.2 The academy will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.

14.3 Information that the academy retains relating to a complaint will be stored securely and in line with its Records Management Policy.

15. Availability

15.1 A copy of this policy will be made available on request. It will also be published on the academy's website, as recommended by the ESFA.

16. Monitoring and Review

16.1 The Headteacher is responsible for ensuring the effective implementation of this policy and for monitoring compliance with its requirements.

16.2 The Governing Board will monitor the implementation and effectiveness of this policy to ensure that complaints are handled fairly, consistently, promptly and in accordance with current legislation and statutory guidance.

16.3 The school will maintain appropriate records of complaints received in accordance with data protection legislation and the school's records management arrangements. Complaint records will be used to identify any recurring themes, trends or areas for improvement.

16.4 The Governing Board will receive anonymised information, where appropriate, regarding the number, nature and outcomes of complaints to enable it to monitor the effectiveness of the school's complaints procedures and identify opportunities for improvement.

16.4 This policy will be reviewed in accordance with the review period stated on the front page of this policy, or sooner where:

- There are changes to relevant legislation or statutory guidance.
- Monitoring identifies the need for revision.
- Learning from complaints or changes to school practice indicate that amendments are required.

16.5The next scheduled review date is shown on the front page of this policy.

The Catholic High School Chester

Complaint Form

Please complete and return to Mrs C McKeagney who will acknowledge receipt and explain what action will be taken.

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

The Catholic High School Chester

Please give details of your complaint, including whether you have spoken to anybody at the school about it.
What actions do you feel might resolve the problem at this stage?

The Catholic High School Chester

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: