



# The Bishop Konstant Catholic Academy Trust

Learning Communities, Inspired by Faith

## Trust Complaints Policy & Procedure 2023



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# The Bishop Konstant Catholic Academy Trust

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<b>POLICY DOCUMENT</b>	Trust Complaints Policy
<b>Legislation/Category: Academy Schools</b>	<b>Legally Required</b>
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***All policies are written in line with our ethos:***

With Jesus Christ at the centre of the life of the Trust, we seek to provide learning communities offering the highest possible standards of education. We are committed to working in partnership and trust for the common good. We strive to encourage and empower children and young people to recognise and realise their God-given potential and to discern their vocation in life. As learning communities inspired by faith, we celebrate achievement, offering each other challenge and support, as together we follow Christ in self-giving love and service.



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## 1a. PROCEDURE FOR DEALING WITH COMPLAINTS AGAINST AN ACADEMY

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

### Stage 1 (Informal)

Expression of concern is raised with member of staff  
If the complainant is not satisfied, proceed to formal stages



### Stage 2 (formal) - Headteacher Investigation

Complainant submits "Stage 2 Complaint Form" within 3 months of the incident (proceed to Stage 3 if about the Headteacher).  
Headteacher/Designated member of staff carries out an investigation and reports outcome in writing to complainant  
If the complainant is not satisfied, proceed to Stage 3



### Stage 3 (formal) - Chair of Academy Council Investigation

Complainant submits "Stage 3 Complaint Form" within 10 school days of receiving Stage 2 response  
Chair of Academy Council/Designated person carries out an investigation and reports outcome in writing to complainant  
If complainant is not satisfied, proceed to Stage 4



### Stage 4 (formal) - Complaints Panel Hearing

Complainant submits "Stage 4 Complaint Form" within 10 school days of receiving Stage 3 response  
The complaint is heard by a Complaints Panel, with at least one member of the panel being independent of the management and running of the academy

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



## 1b. PROCEDURE FOR DEALING WITH COMPLAINTS AGAINST THE TRUST CENTRAL TEAM

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

### Stage 1 (Informal)

Expression of concern is raised with member of staff responsible for the area complainant is concerned about  
If the complainant is not satisfied, proceed to formal stages



### Stage 2 (formal) - Chief Executive Officer Investigation

Complainant submits "Stage 2 Complaint Form" within 3 months of the incident (proceed to Stage 3 if about the Chief Executive Officer).  
Chief Executive Officer/Designated member of staff carries out an investigation and reports outcome in writing to complainant  
If the complainant is not satisfied, proceed to Stage 3



### Stage 3 (formal) - Chair of Trust Board Investigation

Complainant submits "Stage 3 Complaint Form" within 10 school days of receiving Stage 2 response  
Chair of Trust Board/Designated person carries out an investigation and reports outcome in writing to complainant  
If complainant is not satisfied, proceed to Stage 4



### Stage 4 (formal) - Complaints Panel Hearing

Complainant submits "Stage 4 Complaint Form" within 10 school days of receiving Stage 3 response  
The complaint is heard by a Complaints Panel, with at least one member of the panel being independent of the management and running of the Trust

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



## **2. TRUST COMPLAINTS PROCEDURE**

### **Introduction**

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

This procedure will apply to most general complaints received by the academy/Trust. However, some complaints are subject to separate statutory procedures, for example issues concerning admission appeals, exclusion appeals, decisions about a child's statutory assessment of special educational needs or grievances by staff. These are the subject of separate complaints procedures which are outlined in relevant policies and can be obtained from the academy/Trust.

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

A complainant may wish to raise a complaint against the Trust Central Team or Trust Board. Whilst the principle of the complaints procedure remains unchanged, the investigating persons will differ for complaints against the Trust Central Team or Trust Board. Further explanation of the differences can be found at Appendix C.

### **General Principles**

- The aim of this procedure is to balance the rights and responsibilities of pupils, parents and staff and to recognise that responsibilities rest with each of these.
- Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints. Formal complaints should always follow the complaints procedure.
- Concerns ought to be handled, if at all possible, without the need for formal procedures. In most cases, the relevant member of staff (e.g. class teacher) will receive the first approach and be able to resolve issues quickly.

At each stage in the procedure, ways in which a complaint can be resolved should be considered. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;



- an undertaking to review policies or systems/procedures in light of the complaint.

Complainants should be encouraged to state what actions they feel might resolve the problem at any stage. An admission that the situation could have been handled better is not the same as an admission of negligence.

- The complaints procedure should be easily accessible and published on the Trust and academy website.
- Translation services should be offered and facilitated where a reasonable request is made.
- Complaints should be dealt with as quickly as possible, consistent with fairness to all.
- Dates and times of all activities linked to the complaint in chronological order should always be recorded and made available to investigators, as necessary. It is best practice to take minutes of meetings and discussions.
- Confidentiality must be maintained at all times. All conversations and correspondence must be treated with discretion. Parents must feel confident that a complaint will not disadvantage their child. Anonymous complaints should be disregarded unless someone else can substantiate the complaint. All parties to a complaint will need to accept that some sharing of information will be inevitable if the complaint is to be investigated fully. However, the sharing of information should be kept to a minimum so not to compromise subsequent stages of the complaints process.
- A complaint is not part of any staff disciplinary process. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case forward. They should be offered support in dealing with any investigation into a complaint.
- Any member of staff who is complained about will have the opportunity to respond to the complaint during the investigation and will be able to see any response sent as a result of the investigation. If, however, during the course of considering a complaint, it is concluded that disciplinary procedures should be initiated, this will be separate action. There are separate procedures to follow in terms of dealing with staff disciplinary matters.
- Complaints made by Governors should be referred to the Chair of the Academy Council to be dealt with informally through discussion initially. Some complaints may progress and be dealt with through formal procedures which are outlined in Appendix B.
- Complaints made by Trustees should be referred to the Chair of the Trust Board to be dealt with informally through discussion initially. Some complaints may progress and be dealt with through formal procedures.
- Complaints about or relating to a pupil should be directed to the relevant member of the academy's staff. If the complainant is not happy with the manner in which the complaint was handled, then they may put their complaint in writing and ask for it to be dealt with formally.



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- Complaints made by contractors should be dealt with informally, but may be escalated where dispute resolution or a formal complaints process is included in the contractual agreement. Complaints made by contractors will not be dealt with under this Complaints Policy.
- Complaints made by members of staff should be dealt with under separate grievance procedures applicable to employees. Complaints made by employees will not be dealt with under this Complaints Policy.
- Staff, Governors and Trustees should have the opportunity to take part in training to raise awareness of the complaints procedure and to develop their skills in dealing with people who wish to complain.
- All complaints should be recorded and monitored to allow any lessons to be learned by the academy/Trust.

### **Cut-off Time Limits**

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

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

### **Serial or Persistent Complaints**

There will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the Chair of the Academy Council is able to inform them in writing that the procedure has been completed and that the matter is now closed. If the complainant writes again on the same issue, then the correspondence may be recognised as 'serial' or 'persistent' and there will be no obligation on the part of the academy to respond. It is important to note however that, should the complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure.

The procedure for dealing with unreasonably persistent complainants is appended (Appendix A).





### 3. STAGE ONE – Dealing with informal complaints and concerns

#### 1. Guidelines

1.1 The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher or the Headteacher, depending on whom the complainant first contacts. It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the academy can be crucial in determining whether the complaint will escalate. To that end, if staff are made aware of the procedures, they will know what to do when they receive a complaint.

1.2 Parents must feel able to raise concerns with members of staff without any formality, either in person, by telephone or in writing. On occasion, it may be appropriate for someone to act on behalf of a parent. A parent may want a preliminary discussion about an issue to help decide whether he or she wishes to take the matter further. It would assist the procedure if the academy respected the views of a complainant who indicates that he/she would have difficulty discussing a complaint with a particular member of staff. In these cases, the complainant should be referred to another staff member. Where the complaint concerns the Headteacher, the complainant should be referred to the Chair of the Academy Council.

Similarly, if the member of staff directly involved feels too compromised to deal with a complaint, the Headteacher may consider referring the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the complaint objectively and impartially is crucial.

1.3 Where the first approach is made to a member of the Academy Council, the next step would be to refer the complainant to an appropriate member of staff and advise them about the procedure. Governors must not act unilaterally on an individual complaint outside the formal procedure or be involved at the early stages in case they are needed to sit on a Complaints Panel at a later stage of the procedure.

#### 2. Procedure

2.1 Parents need to be given an opportunity to discuss their concerns with the appropriate member of staff, who can clarify the nature of their concern and reassure them that the academy wants to hear about it. The member of staff may explain to the parent how the situation arose. It may also be helpful, at this point, to identify what sort of outcome the parent is looking for.

2.2 The member of staff will need to respond appropriately, taking into account the seriousness of the complaint. In many cases, this will lead to immediate resolution of the issue.



- 2.3 If the member of staff first contacted cannot deal immediately with the matter, or if they need to refer the matter to someone else, they will need to make a clear note of the date, name and contact address/email/telephone number of the complainant.

In either case, the member of staff should subsequently ensure that appropriate action is taken to deal with the matter speedily.

- 2.4 Where the concern relates specifically to the Headteacher, the parent should be given the opportunity to meet with the Headteacher to discuss and resolve the problem. In some circumstances, the complainant may prefer to contact the Chair of the Academy Council and this should be accommodated.
- 2.5 The staff member dealing with the complaint should make sure that the complainant is clear what will happen next (if anything). This should be put in writing only if it seems the best way of making the outcome clear.
- 2.6 Where no satisfactory resolution has been found, the complainant may wish their concern to be considered further. If so, they should be advised about how to proceed with their complaint and about any independent advice available to them.



#### 4. **STAGE TWO** – Formal consideration by the Headteacher (or other appropriate person)

##### 1. Guidelines

- 1.1 It should by now have become clear that the concern is a definite complaint. In some cases, the Headteacher will already have been involved in looking at the matter. In others, it will be his/her first involvement. In either case, it will be helpful for the Headteacher (or member of staff designated to investigate the complaint) to adhere to these guidelines to ensure consistency amongst cases and to make sure that nothing happens, at this stage, which could make it difficult for the later stages to proceed smoothly.
- 1.2 As Headteachers have responsibility for the day-to-day running of their academies, they have responsibility for the implementation of the complaints procedure, including decisions about their own involvement at Stages 1 and 2. One of the reasons for having the various stages in a complaints procedure is to reassure the complainant that more than one person is hearing their complaint.
- 1.3 Headteachers will need to make arrangements to ensure that their involvement does not predominate at every stage of a particular complaint. For example, arrangements may be made for other staff to deal with concerns at Stage 1, while the Headteacher deals with contact with complaints at Stage 2. Even at this stage, the Headteacher may designate another member of staff to investigate the complaint and collate some of the information from the various parties involved. If the Headteacher has been extensively involved at Stage 1 it may be more appropriate to proceed to Stage 3.

##### 2. Procedure

- 2.1 Complaints should be made via a “Stage 2 Complaint Form” unless the complainant is unable to express the complaint in written form. The “Stage 2 Complaint Form” should be **submitted within 3 months of the incident occurring** unless the complainant has valid reasons.
- 2.2 **The complainant’s “Stage 2 Complaint Form” should be acknowledged in writing within 5 school days of receipt.** The acknowledgement will give a brief explanation of the academy’s complaints procedure and a target date for providing a response to the complaint. **This will normally be within 10 school days.** Where this is not possible, a letter needs to be sent to the complainant explaining the reasons for the delay and giving a revised response date.
- 2.3 Academies should endeavour even at this stage to reach an agreed solution to the complaint. It needs to be remembered that the aim is to resolve the matter in the interests of all involved.
- 2.4 The Headteacher should investigate the complaint appropriately.



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- 2.5 Once all relevant facts have been established, the Headteacher will then produce a written response to the complainant and may also wish to meet the complainant to discuss/resolve the matter directly. A written response will include a full explanation of the decision and the reasons for it. Where appropriate, this will include what action the academy will take to resolve the complaint.
- 2.6 Where the complaint is against the Headteacher, it should proceed straight to stage 3.



## 5. **STAGE THREE – Formal consideration by the Chair of the Academy Council (or designated person)**

### 1. Guidelines

- 1.1 If the complainant is not satisfied with the response of the Headteacher, the complainant should submit a completed “Stage 3 Complaint Form” in order for their complaint to be considered further. It is likely that this will be the first involvement of the Chair of the Academy Council and therefore they will be able to look at the case from a new impartial perspective. **It is important that other members on the Academy Council do not receive details of complaints at Stages 1 to 3, in order to ensure their impartiality should a complaint proceed to Stage 4.**

### 2. Procedure

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



## 6. STAGE FOUR – Formal Consideration by a Complaints Panel

### 1. Guidelines

- 1.1 All complaints that reach this stage will have done so because the complainant has not been satisfied by the responses received at Stages 1 through to 3.
- 1.2 The complainant should complete and submit a “Stage 4 Complaint Form” to request that their complaint is put before a Complaints Panel. The Chair of the Academy Council, or a nominated person, will then convene a meeting of the Complaints Panel.
- 1.3 The Complaints Panel will comprise at least three persons. The Complaints Panel will usually be made up of:
  - 1 Governor who serves on the Academy Council of the relevant academy;
  - 1 Trustee who serves on the Trust Board; and
  - 1 Independent Person who has no involvement with the management or running of the academy.

The panel cannot be made up solely of Academy Council members because they are not independent of the management and running of the academy. It is a matter for the academy to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member. The independent member of the panel will not be a Trustee, a Governor of the academy or an employee of the Trust/academy. For the avoidance of doubt, a Governor of another academy within the Trust may be the independent member of the panel as long as they are not an employee of that academy or the Trust, and they are sufficiently removed from the management and running of the academy to be considered truly independent.

- 1.4 The Complaints Panel hearing is the last stage of the complaints procedure and is not convened merely to rubber-stamp previous decisions.
- 1.5 It is important that the hearing should not only be independent and impartial but that it is seen to be so. This is to prevent any allegations of unfairness or bias. As such, only members who have had no prior knowledge or involvement in the case should sit on the Complaints Panel. Individual complaints should not be heard by the whole Academy Council at any stage, as this could compromise the impartiality of any panel set up for a disciplinary hearing against a member of staff following a serious complaint.
- 1.6 It is therefore important that individual members of the Academy Council do not become embroiled in complaints at earlier stages because of potential prejudice. If individual members are approached about a complaint they should not respond but should refer the complainant to the complaints procedure and/or the appropriate member of academy staff.
- 1.7 As Stage 4 is the last opportunity for a solution or compromise to be reached, every effort should be made to reach agreement through conciliation or mediation.



1.8 It is important that the Complaints Panel views the complaint as being against the academy rather than an individual staff member whose actions may have led to the original complaint.

## 2. Procedures

2.1 A Complaints Panel hearing should be requested by submitting a “Stage 4 Complaint Form” unless the complainant is unable to express the complaint in written form. The “Stage 4 Complaint Form” should be **submitted within 10 school days following receipt of the response from Stage 3**, unless the complainant has valid reasons.

2.2 Following receipt of a Stage 4 request, the procedures outlined below will need to be followed:

- (i) The academy will write to the complainant to acknowledge receipt of the written request **within 5 school days.**
- (ii) The acknowledgement will inform the complainant that a Complaints Panel will consider the complaint **within 20 school days.** Where this is not possible, the reason for delay should be explained to the complainant along with a suggested revised target date.
- (iii) The letter will ask the complainant (if they have not already done so) to submit, as soon as possible, a written statement setting out clearly the aspects of the complaint that they wish to be considered. The Headteacher and/or appropriate member of staff will also be invited to provide a written statement.

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

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

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

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



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

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

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

- (vi) It is the responsibility of the Chair of the Panel to ensure that the meeting is properly minuted. Complainants are not permitted to tape record the hearing but may take hand written notes of the meeting themselves.

**Guidance on the role of the Chair of the Panel and a checklist for a Panel hearing can be found in "Guidance to Complement the Trust Complaints Policy", which is an internal document.**

### 2.3 The Complaints Panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on the appropriate action to be taken to resolve the complaint;
- recommend changes to the academy's systems or procedures to ensure that problems of a similar nature do not recur.

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

- (a) It is important that the hearing is independent and impartial and that it is seen to be so.
- (b) The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. However, it has to be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- (c) An effective Panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The Panel Chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.





- (d) Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The Panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
- 2.4 At the conclusion of the meeting the Chair should explain that the Panel will consider all the representations made and will make its decision and write to all parties with the outcome including findings and recommendations **within 10 school days**.
- 2.5 The Headteacher, the complainant and any witnesses should then withdraw from the room at the same time to allow the Panel to reach its decision. The person taking minutes of the meeting on behalf of the Panel should ensure that one party is not left alone with the Panel in the absence of the other. The decision should cover:
- (a) findings on the substantive complaint;
  - (b) any appropriate action to be taken by the academy or the complainant;
  - (c) where appropriate, any suggested changes to the academy's systems or procedures to ensure that problems of a similar nature do not happen again.
- 2.6 A report and any recommendations should be presented to the Academy Council at the next full meeting.
- 2.7 The Panel should ensure that the findings and recommendations are sent by electronic mail or otherwise to the complainant, and where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor and the Headteacher.
- If any disciplinary action is to be taken against a member of staff then, to protect his/her rights, only the phrase "***appropriate action has or will be taken***" should be used.
- 2.8 The Chair of the Panel will need to ensure that a copy of all correspondence is kept securely and confidentially on file at the academy. Where relevant, these records should be kept separately from the pupil's personal records.
- 2.9 A written record should be kept of all complaints, and of whether they are resolved at stages 2 or 3, or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.
- 3.0 All correspondence statements and records relating to individual complaints must 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.



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



## 7. CLOSURE OF COMPLAINTS

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

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

<https://www.education.gov.uk/schools/leadership/schoolperformance/school-complaints-form>

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

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

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



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

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

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

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



## **8. UNREASONABLY PERSISTENT COMPLAINANTS**

The majority of people with complaints or concerns about the academy behave reasonably in pursuing their complaint. This means that they:

- treat all staff with courtesy and respect;
- respect the needs of pupils and staff;
- avoid the use of violence (including threats of violence) towards people and property;
- do not use intimidating/aggressive behaviour or inappropriate language towards academy staff;
- recognise the time constraints under which members of staff work and allow the academy a reasonable time to respond to a complaint;
- recognise that resolving a specific problem can sometimes take some time;
- follow the Trust's complaints procedures.

However, a small number of complainants may be deemed “**unreasonably persistent complainants**”. This means that, in complaining about issues, either formally or informally, they behave unreasonably, for example by:

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

A model procedure for identifying and responding to such complainants is attached as Appendix A.

### **Monitoring and Review of this Policy**

The Trust shall be responsible for reviewing this policy from time to time to ensure that it meets legal requirements and reflects best practice.



## **Procedure for Dealing with**

### **Unreasonably Persistent Complainants**

#### **INTRODUCTION**

1. The majority of people with complaints or concerns about the academy behave reasonably in pursuing their complaint. This means that they:
  - treat all staff with courtesy and respect;
  - respect the needs of pupils and staff;
  - avoid the use of violence (including threats of violence) towards people and property;
  - do not use intimidating/aggressive behaviour or inappropriate language towards staff;
  - recognise the time constraints under which members of staff work and allow the academy a reasonable time to respond to a complaint;
  - recognise that resolving a specific problem can sometimes take some time;
  - follow the Trust's complaints procedures.
2. However, this appendix to the Trust Complaints Policy and Procedure deals with **complainants that are unreasonably persistent**.

#### **Definitions**

3. For the purposes of this appendix, an “**unreasonably persistent complainant**” is defined as follows:

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

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



4. For the purposes of this appendix, “**harassment**” is defined as follows:

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

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

#### **Deciding whether a complainant should be deemed an unreasonably persistent complainant**

5. Only the Headteacher, with the agreement of the Chair of the Academy Council, may deem a complainant an unreasonably persistent complainant.
6. The Headteacher will ensure that there is sufficient evidence available to justify the decision.

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

7. The Headteacher will write to the complainant to explain the decision and the way that future complaints will be dealt with. Any restrictions imposed will be appropriate and proportionate.
8. Some or all of the following actions may be taken, depending on the particular circumstances of the case:
- insisting that no member of staff should meet the complainant on his/her own;
  - restricting telephone calls from the complainant to specified days and times;
  - requiring that all future contacts with the academy are in writing, except in emergencies; this includes contacts with members of the Academy Council, who should only be contacted at the academy address;
  - merely acknowledging correspondence from the complainant that raises issues that have already been dealt with;
  - banning the complainant from the academy premises where the complainant’s behaviour constitutes a nuisance or disturbance, with any appointments with staff to be agreed in writing via the Headteacher.
9. However, all correspondence from the complainant will be considered and any new **and** substantive issues will be addressed and a reply sent to the complainant.
10. New complaints from people who have been deemed unreasonably persistent complainants will be treated on their merits.



## **Approach for Dealing with Complaints About Governors who serve on the Academy Council**

### **INTRODUCTION**

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

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

### **THE PROCESS**

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

If the complaint is:

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

The Trust Governance Manager should be contacted to facilitate an investigation.

#### **Informal Stage**

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

The following list is not exhaustive:

- A quiet word from the Chair to explain the problem and suggest how to ensure it does not recur. This may be done in the presence of the Headteacher or another member of the Academy Council;





- A general training or information item for all Governors covering behaviour and conduct at an Academy Council meeting;
- A meeting with the Chair and Headteacher to explain the effect of the behaviour.
- The Chair could refer Governors to the relevant section of the Trust Scheme of Delegation and DfE Governance Handbook;
- Training for individuals/groups of Governors;

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

### **Formal Stage**

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

- a. The Chair should meet with the Governor to clarify the extent of the behaviour or disagreement and the reasons for it, and produce an agreed summary in writing. The Governor should be given an opportunity to respond. Setting a reasonable time limit would be helpful. It may be possible to close the issue at this point with formal guidance or a warning or rebuke, either orally or in writing, depending on the seriousness of the issue.
- b. If the Chair is not satisfied with the response, then an investigation should be held. The Chair should appoint an Investigating Officer. This should be someone impartial and not involved in the difficulty or dispute in any way; it could be a Governor or member of staff from another academy.
- c. The Investigating Officer then investigates the issue, taking evidence from ALL interested parties. As interviews are likely to be a part of this process another person should accompany the Investigating Officer. The investigation should be documented in full, including notes of interviews that should be checked back for accuracy with the interviewees.
- d. The Investigating Officer should report back in writing to the Chair.



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- e. A Complaints Panel should then meet to decide on the appropriate course of action. This could be:
- (i) Dismissing the complaint;
  - (ii) Issuing guidance, warning or rebuke, either orally or in writing, depending on the seriousness of the issue;
  - (iii) Recommending that steps be taken to remove the Governor from office.

**Academy Councils should consult the Scheme of Delegation for further guidance on the procedures/restrictions with regards to removing Governors.**



**WHO INVESTIGATES A COMPLAINT?**

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

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

	<b><u>Complaint Against Academy</u></b>	<b><u>Complaint Against Trust Central Team or Trust Board</u></b>
<b>Investigating Body or Person</b>	Academy	Trust
	Class teacher	Relevant member of staff
	Headteacher/Designated Members of Staff	Chief Executive Officer (CEO)/Designated Members of Staff
	Chair of Academy Council	Chair of Trust Board
	Academy Council (Governors)	Trust Board (Trustees)

**The Complaints Panel** will comprise at least three persons including 1 independent person who has no involvement with the management or running of the Trust.

It is a matter for the Trust to identify suitably independent individuals who can fulfil the role and responsibility of being the independent member.

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



## STAGE TWO COMPLAINT FORM

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

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

<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>Daytime telephone number:</b>
<b>Evening telephone number:</b>
<b>Email address:</b>
<b>Please give details of your complaint including whether you have spoken to anybody at the academy about it and their response.</b>



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[Empty space for initial response]

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

[Empty space for response]

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

[Empty space for response]

**Signature:**

**Date:**

**Academy use**

**Date acknowledgement sent:**

**By who:**

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

**Date:**



**Appendix E**

**STAGE THREE COMPLAINT FORM**

If you are not satisfied with the response received from the Headteacher's investigation of your complaint, then please complete this form and return it to the academy. **The form should be completed and submitted within 10 school days of receipt of the Headteacher's response for the complaint to be progressed.**

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



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

**Signature:**

**Date:**

**Academy use**

**Date acknowledgement sent:**

**By who:**

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

**Date:**



**STAGE FOUR COMPLAINT FORM**

If you are not satisfied with the response received from the Chair of the Academy Council's/Designated Person's investigation of your complaint, then please complete this form and return it to the academy. **The form should be completed and submitted within 10 school days of receipt of the Chair of Academy Council's/Designated Person's response for the complaint to be progressed.**

**Your name:**

**Date Chair of the Academy Council's response received:**

**Please provide any further details that you would wish to share with the Complaints Panel hearing your complaint.**

**Signature:**

**Date:**

**Academy use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to Chair of Complaints Panel:**

**Date:**





**Appendix G**

**FOR ACADEMY USE ONLY**

**COMPLAINT MONITORING FORM**

Complainant's Name:	
Tel No:	Email Address:
Nature of Complaint:	

<b>Stage 1 – Informal Concern</b>
List any action taken to resolve the informal concern:
Complainant satisfied with the outcome: Yes / No

**Stage 2**

Date "Stage 2 Complaint Form" received in the academy:
Date Headteacher's response sent to complainant:
Complainant satisfied with the outcome: Yes / No

**Stage 3**

Date "Stage 3 Complaint Form" received in the academy:
Date Chair of the Academy Council's response sent to complainant:
Complainant satisfied with the outcome: Yes / No

**Stage 4**

Date "Stage 4 Complaint Form" received in the academy:
Date of Complaints Hearing:
Date Complaints Panel's response sent to complainant: