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# CENTRAL TRUST COMPLAINTS POLICY AND PROCEDURE



## Introduction

All academies, including the schools in St Thomas Catholic Academies Trust (STCAT), are required to have a complaints policy which meets the standards set out in the Education (Independent School Standards (England)) Regulations 2014. All STCAT schools share the Trust's Complaints Policy for schools. This Central Trust Complaints Policy, however, stands separately from the procedure for schools and deals only with complaints against the central Trust team including the Strategic Executive Leader and the Board of Directors.

Complaints regarding schools within the Trust, or any of their staff, will be managed by the Schools Complaints Policy.

This Central policy cannot be used as an extra opportunity for appeal against a decision reached by the application of the schools' complaints procedure.

## Aims

- To deal with any external complaint against the central Trust team including the Strategic Executive Leader and the Board of Directors by following the correct procedures.
- To deal with all external complaints thoroughly and by being open, honest and fair when dealing with the complainant.

This policy sets out to ensure the complaints procedure

- is easily accessible and publicised
- is simple to understand and use
- is impartial
- is non-adversarial
- enables a full and fair investigation by an independent person where necessary
- respects people's desire for confidentiality
- addresses all the points at issue and provides an effective response and appropriate redress, where necessary
- provides information to the Executive Team and/or Board of Directors so that the services can be improved.

## Complaints

### Who can make a Complaint?

Any person outside our schools, including members of the general public, may, unless separate statutory procedures apply, make a complaint about: any provision of facilities or services that the Trust provides; any policy or procedure decided centrally by the Board of Directors; or any team or individual whose work is Trust-wide, such as the Strategic Executive Leader, or the Board of Directors. The Trust does not limit complaints to parents or carers of students.

In this Catholic Trust, where we seek to work for the Common Good, and where each individual is seen as unique, and as a child of God, we would hope that most concerns could be settled informally, through direct contact and discussion, so that good relations can be maintained, or restored. However, we accept that there might be occasions when complainants would like to raise their concerns formally. In those cases, the Trust's formal procedure will be invoked through the stages outlined below.

### The Procedure

A complaint can be made in person, by telephone, or in writing to the Clerk to the Board of Directors who will keep brief notes of who made the complaint, the complaint, the date, and agreed next steps. Any emails or letters will also be kept.

The complaints procedure will be followed and is divided into the following stages.

**Stage 1 – Informal:**

- Any concerns about the Trust should be discussed with the Clerk to the Board of Directors at the earliest opportunity.
- The Trust considers any concerns very seriously and most problems can be resolved at this stage, including asking the complainant at an early stage what they think might resolve the issue.
- Should the matter not be resolved within 7 working days or in the event that a satisfactory resolution is not reached the next stages will apply.

In accordance with Diocesan Protocols, the Clerk or the Chair of Directors will immediately inform the Diocese of any concerns that may have a detrimental impact on the Trust in the following areas:

- Catholic character, ethos and mission
- Religious Education
- Collective Worship
- Admissions
- Relationship and Sex Education
- Denominational Inspections

This policy does not cover complaints regarding:

- Whistleblowing (there is a separate Trust procedure for this)
- Complaints about services provided by other providers who may use Trust schools' premises or facilities (they should have their own Complaints policy)
- Data Protection/GDPR (Contact the Trust's Data Protection Officer).

**Stage 2 –investigation**

If the complaint concerns a member of the Executive Team, the complainant should speak to or write to the Strategic Executive Leader who will look into their concern.

If the complaint concerns central staff who report to a member of the Executive Team the complaint will in the first instance be managed by a member of the executive team.

If the complaint concerns the Strategic Executive Leader it will be passed directly to the Chair of the Board of Directors who will nominate a member of the Board of Directors to look into the concern.

If the complaint is about the Chair of the Board of Directors or any individual Board Member the concern will be dealt with by the Clerk to the Board of Directors, who will follow procedures in accordance with governance guidelines.

- The Strategic Executive Leader/Member of the Board of Directors will decide, after considering the complaint, the appropriate course of action.
- In most cases, the Strategic Executive Leader /Member of the Board of Directors may contact the complainant within 5 school working days of receiving the complaint. If possible, a resolution will be reached at this stage.
- It may be necessary for the Strategic Executive Leader/Member of the Board of Directors to carry out further investigations, in which case a definitive answer will be given within 10 further school working days.
- The Strategic Executive Leader/Member of the Board of Directors will keep written records of all meetings and interviews held in relation to the complaint.
- Once the Strategic Executive Leader/Member of the Board of Directors is satisfied that, as far as practicable, all of the relevant facts have been established, a decision will be made and the complainant will be informed of this decision in writing, giving reasons for the decision.
- If the complainant is still not satisfied with the decision, they should write to the Clerk to the Board of Directors at the Trust's Registered Office. The letter should be marked 'private and confidential'.
- Stage 3 will commence.

### Stage 3 – Directors Appeal Panel

The Clerk to the Board of Directors will convene a panel to review the complaint. This panel will be clerked. In compliance with Part 7 of the Education (Independent School Standards) Regulations 2014, at least one member of the panel will be independent of the management and running of the Trust.

The Panel, on advice from the Clerk, may choose to consider only written submissions, otherwise it will consider written and verbal submissions including from the complainant, the Strategic Executive Leader/Member of the Board of Directors, and any witnesses.

The panel via the Clerk will acknowledge the complaint and schedule a hearing to take place as soon as practicable within 10 school working days.

- If the panel deems it necessary, it may require that further particulars of the complaint and any related matter be supplied in advance of the hearing. Copies of such particulars will be supplied to all parties not later than 5 working days prior to the hearing.
- The complainant, if invited to the hearing, may be accompanied by one other person.
- If possible, the panel will resolve the complaint immediately without the need for further investigation.
- Where further investigation is required, the panel will decide how it should be carried out. After due consideration of all the facts they consider relevant, the panel will reach a decision and may make recommendations, which it shall complete within 7 school working days of the hearing.
- The panel will write to the complainant informing them of the final decision and the reason for it.
- The panel's findings and, if any, recommendations, will be sent in writing to the complainant, the Strategic Executive Leader/Member of the Board of Directors, and, where relevant, the person complained of.

### Final Stage – ESFA (Education and Skills Funding Agency)

If the complainant is not satisfied about the handling of their complaint they can contact the ESFA via the schools complaints form.

At every stage of the formal procedure, the handling of the complaint will be:

- non-adversarial
- swift (using agreed time limits)
- fair (using independent investigation where necessary)
- confidential

Throughout the process, the Trust will be willing:

- to listen
- to learn
- to admit mistakes if appropriate
- to apologise if appropriate
- to address any issues raised
- to change Trust practice if appropriate
- to maintain professional relationships

## Confidentiality

- Complainants can be assured that all concerns and complaints will be treated seriously and confidentially. Correspondence, statements and records will be kept confidential except in as far as is required of the School by section 162A of the Education Act 2002; where disclosure is required in the course of the School's inspection; or where any other legal obligation prevails.
- The Trust will not investigate anonymous complaints or allegations, but confidentiality will be respected.

## Recording Complaints

Written records will be kept confidentially of all formal complaints, and of whether they were resolved at a preliminary stage or proceeded to a panel hearing. Records will be maintained by the Clerk to the Board of Directors and copies will be kept at the Trust Registered Office available for inspection. Individual complaints may be revealed to the secretary of State.

## Serial or Persistent Complaints

The Trust will help and support those who contact them with a complaint or concern or request information. Sometimes, however, the Trust may be repeatedly contacted with regard to the same information and points, asking for the Trust to reconsider the position or decisions made.

If the complainant tries to repeatedly re-open the same issue once the procedure has been completed, this will be considered serial or persistent and appropriate action will be taken. The application of a serial or persistent marking will be against the subject or complaint itself rather than the complainant.

The Chair of the Board of Directors can inform the complainant that the case has been closed.

The Trust believes the decision to stop responding should never be taken lightly. The Trust needs to be able to say yes to all of the following:

- The Trust has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the Trust's position and their options (if any); and
- The complainant is contacting the Trust repeatedly but making substantially the same points each time.

The case to discontinue responding is stronger if the Trust agrees with one or more of these statements:

- The Trust has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience,
- Their letters/emails/telephone calls are often or always abusive or aggressive.
- They make insulting personal comments about or threats towards staff.

The Trust will continue to respond professionally and will not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances, the Trust will refuse to respond to the subject matter rather than to the complainant.

However, where an individual's behaviour is causing a significant level of disruption the Trust may implement a tailored communications strategy such as restricting them to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term.

The Trust recognises that complainants have a right to have any new complaint heard, and obstruction by the Trust could result in the complaint being referred to the Education and Schools Funding Agency.

Complainants who may have been restricted in their communications with the Trust can also be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

Ultimately, if a complainant persists to the point that the Trust considers it to constitute harassment, legal advice will be sought as to the next steps.

Once the Trust has decided that it is right to stop responding, the Chair of the Board of Directors will let the complainant know; ideally through a hard copy letter, but an email will suffice.

## Unreasonable Complaints

The Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the Trust, hinder the Trust's consideration of their or other people's complaints'.

A complainant may be regarded as unreasonable who:

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuses to accept that certain issues are not within the scope of this 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 the complainant expects 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 or to their own timescale;
- 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 Trust 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.

A complainant may also be considered unreasonable if they make their complaint (whether by telephone, in person, in writing or electronically):

- maliciously
- aggressively
- using threats, intimidation. or violence
- using abusive, offensive. or discriminatory language
- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media such as social media websites and newspapers

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.

Whenever possible, the Chair of the Board of Directors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the Chair of the Board of Directors will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust causing a significant level of disruption, the Trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

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 Trust premises.  
Banning from the Trust Premises

Although fulfilling a public function, schools are private places. The public has no automatic right of entry. The Trust/School will therefore act to ensure it remains a safe place for students, staff and other members of its community.

If an individual's behaviour is a cause for concern, the Trust/School can ask him/her to leave Trust/school premises. In serious cases, the Chair of the Board of Directors can notify them in writing that their implied licence to be on Trust/School premises has been temporarily revoked subject to an appeal hearing. If this decision is taken, the Trust will put it in writing and explain how the decision can be appealed. The Trust will give the individual the opportunity to formally express their views on the decision to ban in writing.

The decision will then be reviewed and either confirmed or lifted. If the decision is confirmed the individual will be notified in writing, explaining how long the ban will be in place.

Anyone wishing to complain about being banned can do so, by letter or email, to the Chair of the Board of Directors. However, complaints about banning cannot be escalated to the ESFA. Once the Trust procedure has been completed, the only remaining avenue of appeal is through the Courts; independent legal advice must therefore be sought.

## Equality Act 2010

The Trust will deal with concerns, difficulties and complaints in accordance with its duty under the Equality Act 2010 to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and other conduct prohibited by the Equality Act 2010;
- Advance equality of opportunity between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
  - remove or minimise disadvantages connected to a relevant protected characteristic; and
  - take steps to meet the different needs of those sharing a relevant protected characteristic; and
  - encourage those who share a relevant protected characteristic to participate in school life and activities in which participation is disproportionately low;
- Foster good relations between those who share a relevant protected characteristic and those who do not, by having regard to the need to:
  - tackle prejudice; and
  - promote understanding;

"Relevant protected characteristics" includes sex, race, disability, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and (in the case of persons who are not students) age.

In addition, the Trust will comply with its duty to make the following reasonable adjustments for persons with a disability:

- Where a provision, criterion or practice places a disabled person at a substantial disadvantage compared to person who is not disabled, reasonable steps must be taken to avoid that disadvantage;
- Where a disabled person would, but for the provision of an auxiliary aid, be placed at a substantial disadvantage compared with a person who is not disabled, reasonable steps must be taken to provide the auxiliary aid.

An auxiliary aid can be a piece of equipment or a service.

If a Complainant or other person involved in the complaints procedure requires an interpreter, a signer or any other assistance at meetings or at a Complaint Panel Hearing, they should let the school know immediately.

Further details can be found in the Trust's Equality Policy.

## Review of Procedure

This procedure shall be subject to periodic review and may be changed from time to time.

## Management of policy

The Board of Directors has overall responsibility for the maintenance and operation of this policy. They will maintain a record of concerns raised and the outcomes.



