



*Achieving together in faith*

## **Holy Cross Catholic MAC**

### **MAC Complaints Against Holy Cross Catholic MAC**

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## 1.0 INTRODUCTION

- 1.1 Catholic schools aim to be places where love of one's neighbour is obvious at all times. As St. John reports, Christ said to His disciples at the Last Supper 'This is my commandment, that you love one another, as I have loved you'.
- 1.2 Catholic schools are staffed by teachers and support staff who are not only qualified and expert in their own field but who also, having freely chosen to work in a Catholic institution, commit themselves to care for and support each other in every way possible consistent with the teachings of Christ, Gospel values, Catholic doctrine, and the ethos of the school.
- 1.3 Holy Cross Catholic Multi Academy Company (**MAC**) has adopted this policy in order to promote positive working relationships and equal opportunities in employment, so that all employees feel fully valued as members of Christ's family and are free to develop their abilities to the full.
- 1.4 All members of our school communities have a duty to ensure that Gospel values underpin the relationships within the school and should draw on the guidance offered in 'Christ at the Centre'. Whilst not definitive, the core values based on the Beatitudes may be summarised as follows:
  - faithfulness and integrity;
  - dignity and compassion;
  - humility and gentleness;
  - truth and justice;
  - forgiveness and mercy;
  - purity and holiness;
  - tolerance and peace;
  - service and sacrifice ('Christ at the Centre' 2008 Bishop Marcus Stock STL MA).
- 1.5 The MAC acknowledges its obligation to promote a positive working environment.
- 1.6 The MAC is also aware of its duties under racial, disability and gender equality laws including the training of employees in their responsibilities.
- 1.7 The MAC will ensure that prompt and appropriate action is taken to deal with any complaints which come under the scope of this policy. This includes action where there is a possibility of victimisation for making or for otherwise being involved in a complaint.
- 1.8 The MAC expects all those dealing with complaints to make objective decisions, without fear or favour.

- 1.9 This policy will be applied in accordance with statutory regulations for the governance of Holy Cross schools which may apply at any time in accordance with the procedures and delegations adopted by the MAC under those regulations.
- 1.10 The professional associations and trade unions have a key role to play at all stages when complaints are made and staff have a right to consult with their professional association/trade union at any stage of the process.
- 1.11 All parties are entitled and encouraged to keep a confidential written record of incidents and actions taken throughout this procedure.
- 1.12 This policy is for use by the MAC. The term '**Director**' means a director of the MAC. The term Local Governing Body is used throughout.

## **2.0 SCOPE AND PURPOSE OF THIS POLICY**

- 2.1 The purpose of this policy is to deal with complaints raised through the appropriate procedures.
- 2.2 This policy applies to all employees of the MAC, Directors, Governors, contractors, casual and agency staff and volunteers (collectively referred to as staff in this policy).
- 2.3 An employee may contact his or her professional association/trade union at any stage in this procedure.
- 2.4 The main purposes of this Complaints Policy is to:
- resolve problems as swiftly as possible, ideally through an early informal stage.
  - give complainants a means to raise complaints and to have them addressed.
  - explain who a complaint should be directed to at the different stages and how they will be dealt with at each stage, including expected timescales.
  - encourage all parties to raise and/or respond to complaints as quickly as possible so that they may be dealt with swiftly and whilst the matter is still fresh in people's minds.
  - stress that at all stages of this policy any discussions, consideration and hearings will be held with the intention to resolve the complaint rather than apportion blame.
- 2.5 It should be noted that this Complaints Policy does not replace the arrangements for dealing with certain types of complaint that fall outside of its remit and are covered by other

policies, for example, admissions, statutory assessments of Special Educational Needs, school re-organisation proposals, any matter that may require a Child Protection Investigation, exclusions, whistleblowing, staff grievances and disciplinary procedures and complaints about services provided by third parties using the academy premises or facilities.

- 2.6 The MAC recognises that complaints can be submitted by anyone, not just by parents of pupils in the MAC. Complaints will be dealt with consistently regardless of who the complainant is.
- 2.7 This policy outlines the procedures which individuals may follow when raising a complaint with the MAC. Please note, in the first instance, complainants should follow the relevant school's Complaints policy. Each school's complaints policy is available on their website. The MAC's aim is to resolve complaints at the earliest possible stage. Where possible, informally, at school level.
- 2.8 This policy has been created to handle complaints relating to any aspects of the provision of facilities or services against:
- Any member of staff
  - Any school within the MAC
  - Any Local Governing Body of the MAC
  - Individual Directors or the Board of Directors as a whole
  - The MAC as a whole
- 2.9 It is designed to ensure that the MAC's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress where necessary. This policy outlines the procedure that the complainant and schools within the MAC will follow where a complaint has been escalated to MAC level. Once a complaint has been made, it can be resolved or withdrawn at any stage. The Catholic Senior Executive Leader (**CSEL**) of the MAC will normally seek to delegate an appropriate person to be the first point of contact during the complaint's procedure.

### 3.0 Legal framework

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

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- UK General Data Protection Regulation (UK GDPR) / Data Protection Act 2018
- Part 7 of the Education (Independent School Standards) Regulations 2014

This policy also has due regard to good practice guidance including, but not limited to the 'Best practice guidance for Schools complaints procedures' of the Education and Skills Funding Agency (**ESFA**) 2021.

### 4.0 Definitions

4.1 The following definitions are used in this policy:

- “**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.
- “**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.
- The definition of “**unreasonable complaints**” is outlined in the *Managing unreasonable complaints* section of this policy (see below).
- “**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 ESFA, as outlined in *the role of ESFA* section 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.
- “**Complaints campaigns**” are where the MAC, or a School within the MAC, receives large volumes of complaints that are all based on the same subject.
- Having “**independence**” from the MAC and its Schools is defined as having no association with the MAC, including through being a Director or employee, and having no clear connection with any Director, including through being an employee to or solicitor of a Director or of a business of a Director. Independent Panel members will meet the MAC’s and ESFA’s definition of independence

## 5.0 Making a complaint

- 5.1 Any person, including a member of the public, can make a complaint about the provision of facilities or services that the MAC provides. Complaints may also be made by a third party on behalf of a complainant, contingent on appropriate consent having been obtained to do so. All complaints made will be handled via the procedures outlined in this policy.
- 5.2 Any complaint or concern will be taken seriously, whether raised formally or informally, and the appropriate procedures will be implemented.
- 5.3 The MAC will not normally investigate anonymous complaints.
- 5.4 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 of the relevant school.
  - **Child protection** – referred to safeguarding procedures outlined in the Child Protection and Safeguarding Policy of the relevant school.
  - **Exclusion** – referred to the procedures outlined in the Behavioural Policy and Exclusion Policy of the relevant school.
  - **Whistleblowing** – referred to the internal whistleblowing procedures outlined in the Whistleblowing Policy of the relevant school and/or MAC-level policy.
  - **Staff grievances** – referred to the internal grievance procedures outlined in the Grievance Policy of the relevant school.
  - **Staff conduct** – referred to the internal disciplinary procedures outlined in the Disciplinary policy of the relevant school.
  - **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.

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

- 5.5 Complainants may make complaints in writing or by telephone or by email. Complaints should be made using the appropriate channels of communication, including the use of the Complaints Procedure Forms for Stage 2 and 3 complaints (see Appendices).
- 5.6 Complaints are expected to be made as soon as possible after an incident arises to investigate and potentially amend or rectify the issue in an appropriate timescale. The MAC has a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will only 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.



5.7 A complaint can progress to the next stage of the procedure even if it is not viewed as “justified”. All complainants are given the opportunity to fully complete the complaints procedure.

## **6.0 Complaints about employees, Governors or Directors**

6.1 Complaints against staff of a School in the MAC will:

- Be dealt with by the Headteacher of the School (using the school level Complaints Policy)
- Follow the complaints procedure, including a Panel hearing where applicable.

6.2 Complaints against a Headteacher of a School in the MAC will:

- Be dealt with by the chair of the Local Governing Body of the School (using the **school level Complaints Policy**).
- Follow the complaints procedure, including a Panel hearing where applicable.

6.3 Complaints against Local Governing Body members or Directors will:

- Be made in writing to the relevant Clerk, who will arrange for them to be heard.
- Be dealt with by the Chair of the Local Governing Body or the Chair of Board of Directors of the MAC, as applicable.
- Potentially involve escalation to the MAC Board of Directors to conduct an investigation – this will be handled by the Catholic Senior Executive Leader.
- Involve a Panel hearing where applicable.

6.4 Complaints against the Chair of Board of Directors of the MAC, or an entire Local Governing Body will:

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

6.5 Complaints against the CSEL will:

- Be dealt with by the Chair of Board of Directors, with a Panel hearing where applicable.

6.6 Complaints against a member of the MAC Central Team will:

- Be dealt with by the CSEL

- Begin with Stage 1 of the complaints procedure outlined in this policy, i.e. via informal resolution

6.7 Complaints against the MAC as a whole will:

- Be dealt with by the CSEL
- Begin with Stage 2 of the complaints procedure outlined in this policy, i.e. via a formal, written complaint.

## **7.0 Complaints escalated to the MAC**

- 7.1 Where a complainant wishes to escalate their complaint to the MAC, the complaint will be handled by the CSEL and delegated as appropriate.
- 7.2 The Clerk to the Board of Directors of the MAC will write to the complainant to acknowledge their complaint, usually within 15 school working days of receiving it, or as soon as practicable thereafter. If appropriate, the CSEL will investigate the complaint and provide an initial response.
- 7.3 Where the complainant is not satisfied with the outcome of the initial response, they should write to the Clerk to the Board of Directors within 10 working days to ask for the complaint to be held before a Panel. The Clerk will record the date this complaint is received and will respond usually within 10 working days, or as soon as practicable thereafter. The Panel hearing will be organised in accordance with Stage 3 of the complaints procedure.
- 7.4 Information about a complaint will not be disclosed to a third party without written consent from the complainant.

## 8.0 Roles and responsibilities

- 8.1 It is important that everyone understands that, except as expressly set out in this Policy, no individual Director or Governor may deal with a complaint. Anyone considering raising a complaint with the MAC should refer to the Complaints Management Procedure (Appendix B) to check who the complaint should be directed to.
- 8.2 Directors and Governors should not get into discussion with a complainant if they are approached but should advise them only of the procedure to follow. If the situation is such that the Director or Governor has to listen in order to help to direct the complainant, then this would prejudice their impartiality if the complaint is raised and they would be unable to take part in the process any further. Should this situation arise, the Director or Governor concerned must inform the Chair of Board of Directors accordingly.
- 8.3 The complainant is responsible for:
- Cooperating with the Multi Academy Company, or a School within the MAC, in seeking a solution or resolution to the complaint.
  - Outlining the complaint and expressing their concerns in full at the earliest opportunity.
  - Promptly responding to any requests for information and meetings.
  - Asking for assistance as needed.
  - Treating any person(s) involved in the complaint with respect.
- 8.4 The role of the investigator will differ depending on the nature of the complaint and who it is directed at.
- For complaints against staff of Schools within the MAC, the investigator will be the Headteacher (as per school policy).
  - For complaints against Headteachers of Schools in the MAC, the investigator will be the chair of the Local Governing Board (as per school policy)
  - For complaints against local governors, the investigator will be the chair of the Local Governing Body (as per school policy)
  - For complaints against Directors, the investigator will be the Chair of the Board of Directors of the MAC.
  - For complaints against the Chair of the Board of Directors, the Clerk will appoint an appropriate person to be the investigator.
  - For complaints against the CSEL, the investigator will be the Chair of the Board of Directors of the MAC.
- 8.5 The investigator of the complaint is 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 relevant parties that are involved in the complaint, including staff and pupils and any relevant third party.
- 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.

#### 8.6 Where complaints are escalated to a Multi Academy Company Panel hearing:

- The review Panel hearing is 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, where possible.
- Reconciliation between the parties 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 MAC and/or the relevant School within the MAC 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.

#### 8.7 The Chair of a Panel Hearing will:

- Ensure that minutes of the hearings are taken on every occasion, which may be delegated to a clerk or minute taker.
- 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 available.
- 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 MAC/School 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.

## **9.0 The role of ESFA**

- 9.1 If a complainant remains dissatisfied once the complaint procedure has been completed, they have the right to refer their complaint to the Secretary of State. If a complainant wishes to escalate a complaint, the MAC will refer them to the relevant contact details (available at the end of this policy), and prompt them to follow the instructions on this form to submit a complaint to the Secretary of State.
- 9.2 ESFA will not overturn the MAC's or Panel's decision about a complaint or re-investigate the original complaint. ESFA will only intervene following a complaint if it believes the MAC has:
- breached a clause in its funding agreement; or
  - failed to comply with education law or acted unreasonably when exercising related education functions.
- 9.3 When making a final decision about a complaint, the MAC reserves the right to seek advice from ESFA on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

## 10 Complaints procedure

10.1 The MAC will seek to ensure that the complaints procedure is:

- Easily accessible and publicised on the MAC and School websites.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using input from the SLTs of all individual Schools within the MAC.
- Fairly investigated, by an independent person where necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

10.2 The procedures followed in all MAC complaints (school or MAC-level) will consist of three stages:

- **Informal** – which will usually come in the form of a meeting between a representative of the MAC or individual School and the complainant.
- **Formal** – where the complaint is put in writing to the school or as appropriate the MAC.
- **Panel hearing** – where the Panel includes at least three people who were not directly involved in the matters detailed in the complaint. One panel member shall be an independent panel member. ESFA state that the independent member should have no association with the MAC. However, guidance states that (with the exception of the relevant Multi Academy Company's Directors, ESFA is satisfied that a Governor from a Local Governing Body at a different School within the applicable Multi Academy Company, who has no conflict of interest or prior knowledge of the complaint, can be an independent panel member.

3.3 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.

3.4 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 / minutes 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.

## **11. Procedures for MAC-level complaints**

### **11.1 Stage one – informal complaint**

- 11.1.1 In the majority of cases the concern should be handled, if at all possible, without the need to undertake any formal procedures and this should be the objective of all parties involved.
- 11.1.2 The complaint should be initially discussed with the CSEL of the MAC. There is no need at this stage for the complaint to be put in writing, however, the CSEL should complete the Initial Record Form (Appendix C) outlining the nature of the complaint and the agreed actions to be taken including any timescales to complete them.
- 11.1.3 An informal complaint may be made by telephone or in writing or by email.
- 11.1.4 Where a complaint has been made about a member of staff, the complainant can discuss the concern with the CSEL, or a person delegated to hear the complaint on their behalf, to seek support.
- 11.1.5 Where a complaint is made initially to a Director, the complainant will be referred to the appropriate person. No member of staff or Director 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.
- 11.1.6 Within 10 school days of notification of the complaint (or as soon as possible thereafter if this is not practicable), the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.
- 11.1.7 At this initial communication stage of the complaint, the complainant will be asked to explain their complaint and 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.
- 11.1.8 In line with ESFA guidance, complainants should note that any acknowledgement by the MAC or a School that it could have handled the situation better, is not an admission of unlawful or negligent action.
- 11.1.9 It is expected that the majority of complaints would be resolved by the end of stage 1 without the need to escalate the complaint further.
- 11.1.10 If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following stage 1 of this complaints policy, the person managing the response to the complaint will inform the complainant that they have the right to escalate their complaint to Stage 2 (see below).

## **12.0 Stage 2 – formal complaint**

- 12.1 If the complaint cannot be resolved at Stage 1, then the complainant may, if they wish, proceed to Stage 2 by completing and submitting a Stage 2 Complaint Form (Appendix D) to the relevant person as detailed in the Complaints Management Procedure (Appendix B).
- 12.2 The Stage 2 Complaint Form should be submitted within 10 school days of the conclusion of Stage 1.
- 12.3 On receipt of the Stage 2 Complaint Form, the relevant person will:
- acknowledge receipt of the Stage 2 Complaint Form within 5 school days.
  - ensure the complaint is investigated in line with the agreed protocols of the MAC and decide how best to resolve it. This may involve meeting with and interviewing the complainant and any other persons.
  - within 5 school days of completing the investigation, write to the complainant outlining how the investigation was conducted and the outcome of the complaint. This letter will also include details of what the complainant can do next if the complaint has still not been resolved to their satisfaction. Information advising the complainant that they can escalate the complaint to Stage 3 must also advise them that if they wish to do so then it must be within 10 school days of the notification of the outcome of Stage 2.
- 12.4 Stage 2 of the process will usually be completed within 15 school days (or, where this is not possible, as soon as practicable thereafter). 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.
- 12.5 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.
- 12.6 If the complaint is against the Headteacher of a School within the MAC, the complainant will initially need to write, in confidence, to the Chair of the School's Local Governing Body.
- 12.7 The Chair will seek to resolve the issue informally, e.g. by arranging a meeting with the complainant usually within 15 school days (or, where this is not possible, as soon as practicable thereafter), before moving directly to Stage 3 of the procedure.



- 12.8 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 based on written evidence alone, in the interests of drawing the complaint to a close within a timely manner.
- 12.9 In terms of a complaint being made against a member of MAC central staff, the Chief Financial Operating Officer (**CFOO**) will discuss the issue with the staff member in question. Where necessary, the CFOO will conduct interviews with any relevant parties, including witnesses, and will take statements from those involved as necessary and appropriate. All discussions shall be recorded by the CFOO, and findings and resolutions will be communicated to the complainant either verbally or in writing.
- 12.10 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 3) and will be provided with details of this process.
- 12.11 The complainant will also be provided, upon request, with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR. Any further action the MAC plans to take to resolve the issue will be explained to the complainant in writing.
- 12.12 If the complainant is not satisfied with the outcome, the Complainant will be advised of their right to progress to Stage 3. A request to escalate to Stage 3 should be made to the Clerk to the Board of Directors within 10 school days of communication of the Stage 2 outcome.

### **13.0 Stage 3 – Panel hearing**

- 13.1 If the complainant is not satisfied with the outcome of the Stage 2 process, they may, if they wish, request that the complaint be considered by a Directors Complaints Panel. To request this, the complainant will need to complete and return the Stage 3 Complaint Form (Appendix E) within 10 school days of the notification of the outcome of Stage 2. This form should be sent to the Chair of the Board of Directors via the MAC's address unless the complaint is regarding an individual Director or the entire Board of directors in which case the form should be sent to the Clerk to the Board of Directors via the MAC's address.
- 13.2 The Directors Complaints Panel is the last MAC-based stage in the complaints process and is not convened to merely rubber-stamp any previous decisions.
- 13.3 The Panel will consist of two Directors and one other person, typically appointed by the MAC Company in line with approved protocols, who is independent of the management and running of the MAC. The independent member of the Panel typically will act as its Chair unless otherwise agreed by the Panel. No Director may sit on the panel if they have had any prior involvement in the complaint or in the circumstances surrounding it. Neither the CSEL or the Chair of the Board of Directors should be a member of this Panel. Where it is not possible for the Directors to convene a Panel due to there being insufficient Directors who have no prior involvement in the complaint, then another Catholic Multi Academy Company may be approached via the MAC's CSEL/CFOO to request that Directors from that Multi Academy Company make up the Panel.
- 13.4 The Stage 3 Complaint Form will be acknowledged within 5 school days and the Directors Complaints Panel will normally be convened within 20 school days of the receipt of the form. The complainant will be invited to attend the panel hearing and may be accompanied if they wish.
- 13.5 Both parties should normally be present whilst the complaint is being described and responded to. However, there may be situations where the Chair of the Board of Directors considers that the relationship between the complainant and the MAC has broken down to such an extent that any further meeting that they jointly attend would not be beneficial. If this situation arises then the Chair of the Board of Directors may decide that the Stage 3 hearing should be held in two parts with each party, and their witnesses, meeting with the Directors Complaints Panel on their own. Should this decision be taken then the Chair of the Board of Directors will advise both parties, the Clerk to the Complaints Panel and the Chair of the Complaints Panel accordingly.
- 13.6 The panel will consider the following:
  - any appropriate action to be taken to resolve the complaint.

- whether to dismiss the complaint in whole or in part.
- whether to uphold the complaint in whole or in part.
- whether changes to the MAC's procedures or systems in the future may be necessary to ensure that situations of a similar nature do not recur.

13.7 The panel will take into account whether the complaint has been handled properly and reasonably in accordance with this policy and whether the outcome at Stage 2 was reasonable and appropriate.

13.8 As part of the Directors Complaints Panel hearing the following will be undertaken:

- a Clerk to the panel will be appointed. This would usually be the Clerk to the Board of Directors or another clerk assigned by the MAC.
- the Clerk will ensure that all parties have received a copy of this Complaints Policy.
- the Clerk will set a date, time and venue for the hearing within 20 school days of the receipt of the Stage 3 Complaint Form. The venue will be accessible for all parties.
- at least 10 school days prior to the hearing all parties will submit to the Clerk to the Complaints Panel any written evidence or other documentation to be presented at the hearing, together with the names of any witnesses either party wishes to call.
- all written evidence or other documentation submitted will be sent to all parties and the panel members to arrive at least 5 school days prior to the hearing.
- the Clerk to the Complaints Panel will record the proceedings and notify, in writing, all parties of the panel's decision within 5 school days of the hearing.
- the issues raised in the complaint are addressed.
- the panel will be open minded and act independently.
- no member of the panel will have a vested interest in the outcome of the proceedings or any involvement in any earlier stage of the procedure.
- only the issues raised in the complaint will be discussed and considered. Any new issues raised will need to be raised as a separate complaint and given due consideration by progressing through the Complaints Policy.
- if any party fails to attend the Directors Complaints Panel hearing, then the hearing will continue in their absence and considered on any written evidence that the absent party has submitted at least 10 school days prior to the hearing.

13.9 The following points should also be noted:

- all parties shall be put at ease and the hearing will be conducted as informally as possible with each party treating the other with respect and dignity.
- the Chair of the Complaints Panel will explain the panel's remit to all parties and ensure that each party has the opportunity to put their case without undue interruption and to ask questions.

- witnesses are only required to attend for the part of the hearing in which they give their own evidence.
- after an introduction by the Chair of the panel, the complainant is invited to explain their complaint and be followed by their witnesses.
- the CSEL/Headteacher may question both the complainant and the witnesses after each has spoken but only to clarify what they are saying.
- the CSEL is then invited to explain the MAC's actions and be followed by the witnesses providing evidence for the MAC.
- the complainant may question both the CSEL and the MAC's witnesses after each has spoken but only to clarify what they are saying.
- the panel may ask questions at any time.
- the complainant is invited to sum up their complaint.
- the CSEL is invited to sum up the MAC's actions and response to the complaint.
- the Chair explains that both parties will receive the written decision of the panel from the Clerk within 5 school days.
- both parties leave together whilst the panel considers the issues. The Clerk, and any other advisers, may be present with the panel during their discussion but the conclusions and recommendations are the responsibility of the panel members only.

13.10 The Chair of the Complaints Panel, through its clerk, will ensure that all parties are notified in writing of the panel's decision within 5 school days. The reasons for the decision will be clearly defined, in plain English and will include information regarding any further rights of appeal. If the panel makes findings and recommendations as a result of the panel hearing then these findings and recommendations will be shared with the complainant and, where relevant, the person complained about. A copy of any findings and recommendations will also be made available for inspection by the Board of Directors and the CSEL. A copy of the minutes of the panel hearing will be issued to the complainant.

13.11 If either party requires clarification concerning any points in the letter, this will be provided by the Chair of the Complaints Panel.

13.12 Prior to the Stage 3 hearing, the Clerk will have written to the complainant informing them of how the review will be conducted. The member of staff in question, the Chair of Governors of the Local Governing Committee and the Chair of the Board of Directors of the MAC will also have a copy of this letter.

13.13 Neither the complainant nor the 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 or legal representative or colleague for support if desired; this will be agreed before the hearing.

13.14 The Panel may make findings and recommendations, and, if so, a copy of those findings and recommendations will be made available for inspection on the School premises by the Board of Directors and the Headteacher.

13.15 Where relevant, the person complained about will receive a summary of the Panel's findings and recommendations and minutes will be available upon request (subject to any necessary redactions under the Data Protection Act 2018 or UK GDPR).

#### **14.0 Resolving complaints**

14.1 At each stage of the complaints procedure, the MAC is committed to resolving the complaint wherever possible. Where appropriate, the MAC 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 MAC will try to 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 MAC policies in light of the complaint
- An apology

#### **15.0 Withdrawal of a complaint**

15.1 Where a complainant wishes to withdraw their complaint, the MAC will ask them to confirm this in writing. Despite the complaint having been withdrawn, the MAC and School will still take the complainant's complaint seriously and take any steps considered reasonably necessary in relation to the complaint. The MAC and the School will not under any circumstances ask, or pressure an individual, to withdraw a complaint.

## **16.0 Record keeping**

- 16.1 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 MAC as a result of those complaints whether they are upheld or not.
- 16.2 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.
- 16.3 Schools 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 MAC 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.

## **17.0 Interviewing witnesses**

- 17.1 When interviewing pupils to gather information regarding a complaint, the interview should usually 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.
- 17.2 The MAC will ensure that the conduction of interviews does not prejudice any investigation in relation to safeguarding by a Local Authority Designated Officer's (**LADO**). It may be necessary to pause or adjourn a complaints process, to avoid prejudice to external investigation processes.
- 17.3 The MAC understands the importance of ensuring a friendly and relaxed area which is free from intimidation. Staff are allowed a colleague or trade union representative 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 be asked to sign a copy of the transcription of the interview.

## **18.0 Recording a complaint**

A written record shall be kept of any complaint made, whether made via phone 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 MAC as a result of the complaint (regardless of whether the complaint was upheld).

## 19.0 Managing unreasonable complaints

19.1 The MAC is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The MAC will not normally limit the contact complainants have with the MAC itself or any of its schools; however, the MAC 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.

19.2 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.
  - new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.

19.3 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 MAC’s complaints procedure has been fully and properly implemented and completed, including referral to 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.

19.4 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.

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

19.6 Complainants should limit the number of communications with the MAC 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.

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

19.8 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.

19.9 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 MAC or any of its Schools causing a significant level of disruption, the MAC may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

19.10 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 MAC's position and their options
- The complainant contacts the MAC or any of its Schools repeatedly, making substantially the same points each time



- 19.11 If the above criteria are met, in making a decision to stop responding, the MAC 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 MAC believes their intent is to disrupt or inconvenience the MAC or its Schools.
- 19.12 The MAC will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.
- 19.13 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.

## **20.0 Complaints campaigns**

- 20.1 Where the MAC becomes the subject of a complaints campaign from complainants who are not connected with the MAC, a standard, single response may be published.
- 20.2 If the MAC receives a large number of complaints about the same subject from complainants who are connected to the MAC, for example parents, then each complainant will receive an individual response.
- 20.3 If complainants remain dissatisfied with the MAC's response, they will be directed to ESFA.

## **21.0 Barring from the premises**

- 21.1 School and MAC premises are private property and therefore any individual may be barred from entering the premises.
- 21.2 If an individual's behaviour is cause for concern, the Headteacher of the relevant School and/or member of the MAC's executive leadership will ask the individual to leave the premises.
- 21.3 The Headteacher/Executive leader 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.
- 21.4 Anyone wishing to make a complaint regarding such a barring order can do so in writing, including via email, to the Headteacher or Chair of Governors or Board of Directors (as appropriate to the premises involved).

## **22.0 Availability**

22.1 A copy of this policy will be made available on request. It will also be published on the MAC website, as recommended by ESFA. All schools publish their own complaints policies on their websites.

## **23.0 Monitoring and review**

23.1 The complaints procedure will be reviewed annually, taking into account any legislative changes and the latest guidance issued by the DfE or ESFA.

23.2 Responsibility for reviewing the procedure belongs to a committee of the Board of Directors.

23.3 All projected review dates will be adhered to.

24.4 Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

24.5 The monitoring and reviewing of complaints will be used to help evaluate each School's performance, and the performance of the Multi Academy Company as a whole.

## **24.0 Register of Complaints**

The MAC will maintain a register of all formal complaints received and note whether each one was resolved at the end of Stage 2 or whether the proceed to a Stage 3 panel hearing. This register will record any action taken by the school or MAC as a result of the complaint, regardless of whether the complaint is upheld or not.

## **25.0 Confidentiality**

Correspondence, statements and records relating to an individual complaint will be kept confidential except where the Secretary of State or a body conducting an inspection under Section 109 of the 2008 Act requests access to them.

## **26.0 Anonymous Complaints**

Anonymous complaints will not be investigated under this policy unless there are exceptional circumstances. These would include serious concerns such as Child Protection issues, where the School would either involve external agencies or else conduct its own internal review to test whether there is any corroborative evidence which might trigger a formal investigation.

## **27.0 Serial and Persistent Complaints**

There will be occasions when, despite all stages of the procedure having been followed, the complainant remains dissatisfied. Where a complainant tries to reopen the same issue, the Chair of the Board of Directors will inform them in writing that the procedure has been exhausted and that the matter is now closed.

## **28.0 Complaint Campaigns**

If a school becomes the focus of a campaign and receives a large volume of complaints that are all based on the same subject and/or are from complainants unconnected with the school, then they will be dealt with separately. The school will establish the most appropriate way to deal with these which could include sending a template response to all complainants or publishing a single response on the school's website.

## **29.0 Third Parties**

If a complaint relates to a third party who is using the school premises or facilities, then that complaint must be submitted directly to the third party concerned following their own complaints procedures. For example, this could be where the school site is being used for community facilities or services.

## **30.0 Deviation from following this published procedure**

There may be occasions when it is necessary or reasonable to deviate from the published complaints procedure. This could be not doing something that the procedure says that the school will, should or may do. If this is deemed to be necessary the school will document any deviation and reasons for it.

## **31.0 Timescales**

**31.1** Clear timescales are set out in this procedure defining the time frame that a complaint will be dealt with at each stage. However, in the event of a complaint being complex and further investigations are necessary it may become clear that the published timescale cannot be met. In this event then the school will set new timescales. The complainant will be sent the details of the next timescales and be provided with an explanation of the delay.

**31.2** Where a complainant submits a complaint outside of the time frame outlined in these procedures the school will take exceptional circumstances into account when deciding whether to accept or progress a complaint and will not refuse to deal with a complaint simply because it has been lodged outside of this preferred timescale.

## **32.0 Taking a complaint further - Complaints to ESFA**

- 32.1 If a complainant has completed the stages in this Complaints Policy and is still dissatisfied, they have the right to refer their complaint to the Secretary of State. The Secretary of State has a duty to consider all complaints raised but will only intervene where the Directors/Local Governing Body members have acted unlawfully or unreasonably and where it is expedient or practical to do so.
- 32.2 If a complainant has exhausted its remedies under the MAC complaints procedure, they will be advised that they can submit a complaint to ESFA. ESFA can be contacted as follows:

### **Website**

<https://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure>

### **Address**

Academy Complaints and Customer Insight Unit  
Education and Skills Funding Agency  
Cheylesmore House  
5 Quinton Road  
Coventry  
CV1 2WT

- 32.3 ESFA expects complainants to have completed the MAC'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 MAC's complaints procedure.
  - The ESFA has evidence that the MAC is proposing to act or is acting unlawfully or unreasonably.
- 32.4 If a social services authority decides to investigate a situation, the Board of Directors may postpone the complaints procedure.
- 32.5 ESFA considers complaints relating to academy schools in England on behalf of the Secretary of State. ESFA will consider complaints about academies that fall into any of the following three areas:
1. where there is undue delay or the academy did not comply with its own complaints procedure when considering a complaint.
  2. where the academy is in breach of its funding agreement with the Secretary of State.
  3. where an academy has failed to comply with any other legal obligation.

32.6 ESFA will not overturn a Multi Academy Company's decision about a complaint. However, if it finds that the Multi Academy Company did not deal with a complaint properly it will request the complaint is looked at again and procedures meet the requirements set out in the Regulations.

32.7 If the Multi Academy Company's complaints procedure does not meet the Regulations, it will ask the Multi Academy Company to put this right. It may seek to enforce the decision under the terms of the funding agreement on behalf of the Secretary of State if appropriate.

### **33.0 Expectations under this procedure**

33.1 When raising a complaint under this policy a complainant can expect the MAC to:

- take the complaint seriously.
- treat them with courtesy and respect.
- deal with the complaint with discretion and confidentiality (although if the matter relates to the safety and wellbeing of a child then the school may have to share the details with other agencies).
- offer them the opportunity to be accompanied by a friend, adviser or colleague.
- meet the timescales set unless there are good reasons to extend these, in which case they will be informed of this.
- seek and offer resolution at all stages.
- inform them of the action taken to resolve the complaint and of any measures put in place by the school and/or the MAC to ensure that a similar complaint does not arise in the future.

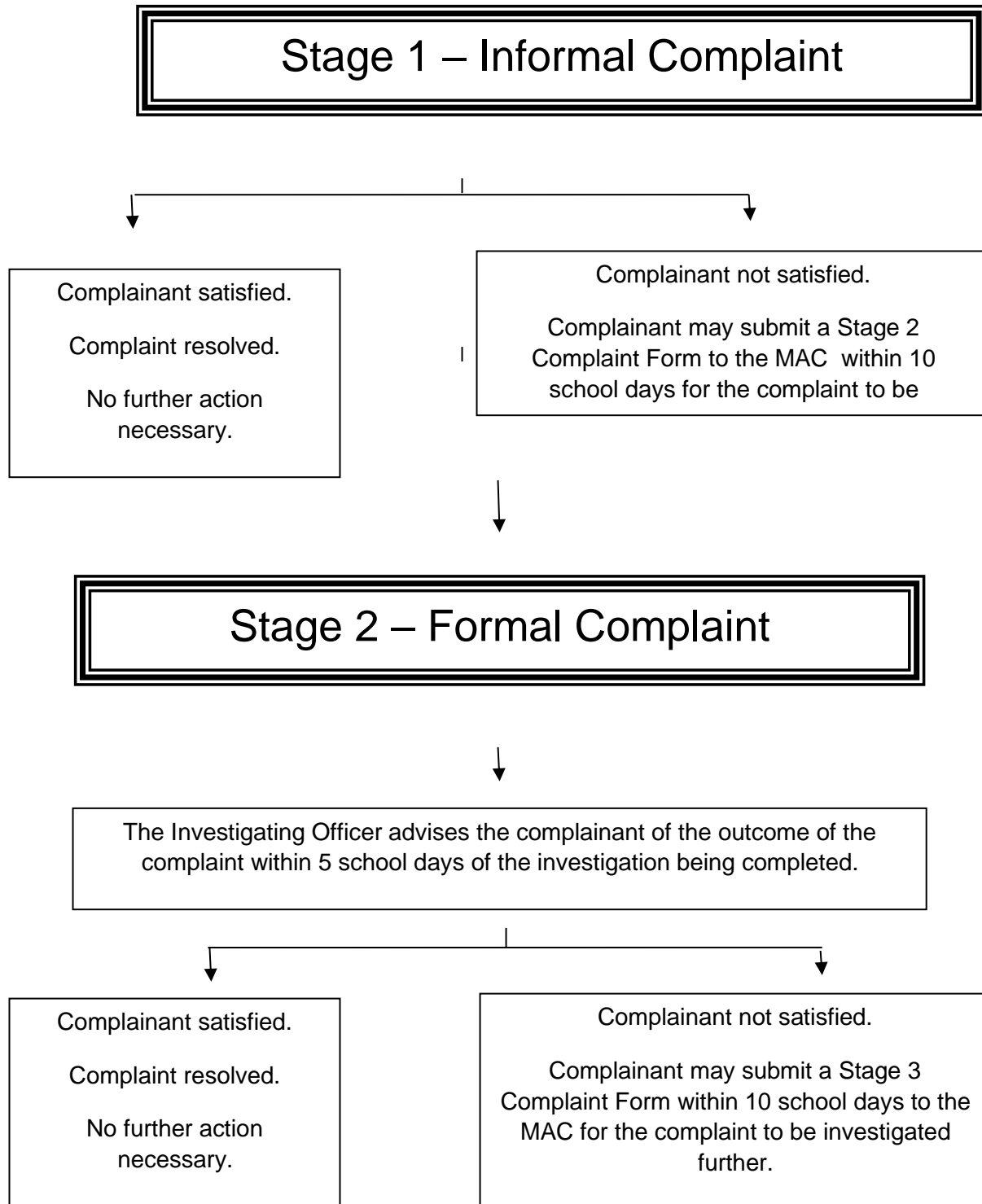
33.2 In turn, the MAC expects that complainants will:

- treat all school and MAC staff with respect.
- be mindful of the need to keep information relating to children confidential in the interest of all students.
- enter into the process in the spirit of seeking resolution.
- appreciate that if the MAC considers that disciplinary action may be necessary against a member of staff then this will be dealt with under the school's disciplinary procedure and in confidence.

33.3 If there are any queries regarding the implementation of this policy or the complaints process, please contact in the first instance the CSEL of Holy Cross Catholic Multi academy Company: [marina.kelly@hcmac.co.uk](mailto:marina.kelly@hcmac.co.uk)

Appendix A

Holy Cross Catholic Mult Academy Company (MAC)  
FLOWCHART TO SHOW GENERAL COMPLAINTS PROCESS





## Stage 3 – Directors Complaints Panel



Panel considers the complaint and the Stage 2 outcome  
within 20 school days of receiving the Stage 3 Complaint Form



Complainant is advised of the Complaints Panel decision  
within 5 school days of the hearing.



Complainant satisfied.  
Complaint resolved.  
No further action  
necessary.



If the complainant is not satisfied, they may  
contact the School Complaints Unit as  
advised in **Section 8** of this policy

**Appendix B**

**Holy Cross Catholic Multi Academy Company (MAC0)**  
**Multi Academy Company Complaints Management Procedure**

Who the Complaint relates to:	Stage 1: Informal Resolution	Stage 2: Formal Resolution	Stage 3: Directors Complaints Panel
If the complaint relates to a Pupil, parents or staff (other than the Headteacher) please refer to the School's Complaints Procedure which is available on the school website.			
The Headteacher	The Headteacher	The Chair of Governors or another nominated non-staff Governor	Panel appointed by the <b>MAC</b> in line with its agreed protocols
A Governor or Governors (other than the Chair of Governors)	The Chair of Governors	A Member of the Board of Directors of the MAC appointed by the Board in line with its agreed protocols	Panel appointed by the MAC in line with its agreed protocols
If a complaint relates to any individual governor, both the Chair and Vice Chair of Governors or the entire governing body then it should be submitted to the Clerk to the Governing Body who will then determine the most appropriate course of action in liaison with the MAC's Catholic Senior Executive Leader or Chief Financial Operating Officer and the MAC's approval protocols. This will depend on the nature of the complaint. It may involve escalating the complaint to the Board of Directors, who may in exceptional circumstances determine it is necessary to deviate from this published procedure as set out in section 12 above.			

**Note:** No Governor will be involved at Stage 3 if they have been involved in the complaint in any way prior to the Stage 3 panel hearing.



## Appendix C

### Initial Record Form for a Multi Academy Company Complaint

Holy Cross Catholic Multi Academy Company		
Name of Complainant:		
Name of Child if applicable:		
Date of Contact with the Multi Academy Company:		
Nature of Concern		
Actions Taken		
Name:	Signature:	Date:

## Appendix D

### Holy Cross Catholic Multi Academy Company Stage 2 Multi Academy Company Complaint Form

Your Name:	
Child's Name if applicable:	
Your relationship to the child:	
Address:	
Postcode:	
Telephone Number(s):	
Email Address:	
Details of your complaint:	

What action, if any, have you already taken to resolve your complaint?

Please include details of who you spoke to and what was the response/outcome (including dates where possible):

What actions do you feel may resolve the complaint at this stage?

Are you attaching any paperwork to this Form? If yes, please give details.

Signature:

Date:

**For Office Use Only**

Date acknowledgement  
sent:

By who:

Complaint referred to:

Date complaint referred:

## Appendix E

### Holy Cross Catholic Multi Academy Company Stage 3 Multi Academy Company Complaint Form

Your Name:	
Child's Name if applicable:	
Your relationship to the child:	
Address:	
Postcode:	
Telephone Number(s):	
Email Address:	
Please provide details of why you are dissatisfied with the outcome of the Stage 2 investigation:	

What actions do you feel may resolve the complaint at this stage?

Are you attaching any paperwork to this Form? If yes, please give details.

Signature:

Date:

**For Office Use Only**

Date acknowledgement  
sent:

By who:	
Complaint referred to:	
Date complaint referred:	