



Christ Centred, Child Centred, Catholic Educational Excellence

THE DIOCESE OF WESTMINSTER ACADEMY TRUST

COMPLAINTS POLICY AND PROCEDURE

OUR MISSION

TO ACHIEVE EXCELLENCE IN THE SERVICE OF THE GOSPEL, TO BUILD A BETTER WORLD

Commitment to equality:

We are committed to providing a positive working environment which is free from prejudice and unlawful discrimination and any form of harassment, bullying or victimisation. We have developed a range of policies to ensure that the principles of Catholic Social Teaching in relation to human dignity and dignity in work become embedded into every aspect of school life and these policies are reviewed regularly in this regard.

This Complaints Policy and Procedure has been approved and adopted by The Diocese of Westminster Academy Trust in June 2024 and will be reviewed in June 2025.

Signed by the Chair of The Diocese of Westminster Academy Trust:

A handwritten signature in black ink, reading "Patrick Leeson", is written over a horizontal line.

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DEFINITIONS

In this Complaints Policy and Procedure, unless the context otherwise requires, the following expressions shall have the following meanings:

- i. 'Academy' means the School involved in the implementation of this Complaints Policy and includes all sites upon which the School undertaking is, from time to time, being carried out.
- ii. 'Academy Trust Company' means the Trust company responsible for the management of the School and, for all purposes, means the employer of staff at the School.
- iii. 'Board' means the board of Directors of the Trust.
- iv. 'Chair' means the Chair of the Board as appointed from time to time.
- v. 'Clerk' means the Clerk to the Board as appointed from time to time.
- vi. 'Complainant' means the individual making the complaint.
- vii. 'Complaints co-ordinator' means the individual who will keep the complainant fully updated at each stage of the procedure.
- viii. 'Directors' means directors appointed to the Board from time to time.
- ix. 'DoWAT' means The Diocese of Westminster Academy Trust (the Trust).
- x. 'Headteacher' means the most senior teacher in the School who is responsible for its management and administration.
- xi. 'Investigator' means the individual that will review the investigate the complaint.
- xii. 'Local Governing Body' means the body with delegated authority to carry out some functions on behalf of the Trust in relation to the Academy. Such term may include the Board or the Governing Body of the school.
- xiii. 'Panel Chair' means the individual who is nominated for the Stage 3 Panel Hearing.
- xiv. 'Panel member' means the independent individual who participates in the Stage 3 Panel Hearing.
- xv. 'Vice-Chair' means the Vice-Chair of the Board as elected from time to time.



1. INTRODUCTION

- 1.1 This document outlines the Complaints Policy and Procedure for The Diocese of Westminster Academy Trust, DoWAT, (the Trust).
- 1.2 DoWAT is committed to providing outstanding educational opportunities for all students. Whilst we endeavour, as a trust, to consistently achieve positive outcomes we acknowledge that complaints may be raised from time to time. The following policy has been formulated in accordance with statutory requirements which all academies must adhere to. DoWAT strives to pro-actively apply the policy and manage the complaints process positively improving services for our students and the wider community.
- 1.3 DoWAT is committed to continuous improvement. We recognise that, occasionally, mistakes may be made, or the level of service offered will not meet an individual's requirements or expectation. This policy sets out how we, as education providers, will respond to, and manage, complaints.
- 1.4 We will treat every complaint with fairness, honesty and impartiality, to ensure that our pupils and students continue to experience outstanding teaching and learning.

2. VISION

- 2.1 DoWAT schools are part of the mission of the Catholic Church "to preach the Gospel to all nations: to enrich all people with the light of the Good News, which, by its essence, is aimed at transforming the human person and setting him or her on the path that leads to salvation".¹
- 2.2 With Christ at the centre of our hearts and of our schools, we are committed to the flourishing of our children and young people, so that they might grow in excellence and learn how to use their skills and knowledge for the common good.
- 2.3 Our school communities will be distinguished by an atmosphere "permeated with the Gospel spirit of freedom and love".² Our pupils will experience their dignity in the way that they are loved, encouraged, accompanied, and celebrated on their journey through school. Our belief in the dignity of the person will be expressed in a commitment to promoting social and racial justice.
- 2.4 As a trust of Catholic schools, we are committed to working together in a trusting and collaborative manner, with integrity and transparency. We will model the leadership in the trust and in our schools on the example of our Teacher, Jesus Christ, "who came into the world to give witness to the truth, to save and not to judge, to serve and not to be served".³

¹ Cardinal Grocholewski, *The Catholic School According to the Code of Canon Law*

² *The Catholic School*, 55

³ Vatican II, *Gaudium et Spes*, 3



2.5 We will encourage a commitment in our schools to the stewardship of the earth, our common home and invite our pupils to be good citizens, agents of positive change in the world, helping to build up God's kingdom of peace and justice.

3. OUR VALUES

3.1 Our values are derived from the Gospel and in particular the Beatitudes, which according to the Catechism, "are at the heart of Jesus' preaching" (CCC, 1716). Our eight Gospel values we will hold up as a guide and exemplar of being human. We will seek to integrate them into the curriculum in our schools so that our pupils learn about the world through the 'lens' of the Gospel. The values of the Gospel challenge each generation to consider who they consider to be important, or 'blessed'.

"Blessed are the poor in spirit, for theirs is the kingdom of heaven".

- | | |
|----------------|-----------------|
| 1 - Humility | 5 - Forgiveness |
| 2 - Compassion | 6 - Integrity |
| 3 - Kindness | 7 - Peace |
| 4 - Justice | 8 - Courage |

4. COMPLAINT HANDLING – GUIDING PRINCIPLES

4.1 Any decision made by a school will adhere to our guiding principles.

4.2 This means it must be made in line with the principles of administrative law, such that a decision is:

- 4.2.1 Lawful – it complies with education and other law, including human rights and equality law, such as the [Human Rights Act 1998](#) and the [Equality Act 2010](#).
- 4.2.2 Rational
- 4.2.3 Reasonable
- 4.2.4 Fair
- 4.2.5 Proportionate

4.3 Decision-makers will also be mindful of the rules of natural justice and the seven principles of public life.

5. THE RULES OF NATURAL JUSTICE

5.1 Simply put, the rules of natural justice relate to fairness. The school will ensure that all concerns, difficulties, or complaints are dealt with in accordance with the following principles:

- 5.1.1 All parties will be provided with all information and documentation pertinent to the matters raised (unless Safeguarding or GDPR prevent their release);



- 5.1.2 All parties will be given the opportunity to prepare and present their case and respond to the other parties involved;
- 5.1.3 All persons investigating and making decisions in relation to the matters raised will be impartial and will do so without bias (or apparent bias) to any party involved;
- 5.1.4 All decisions made will be made on a balanced and considered assessment of the information presented;
- 5.1.5 All decisions made will be based upon logical conclusions, and not based on mere speculation or suspicion;
- 5.1.6 All decisions made will be supported by detailed reasons which will be disclosed to all parties involved.

6. THE SEVEN PRINCIPLES OF PUBLIC LIFE

6.1 The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services.

1 - Selflessness

5 - Openness

2 - Integrity

6 - Honesty

3 - Objectivity

7 - Leadership

4 - Accountability

7. COMMITMENT TO EQUALITY, DIVERSITY AND INCLUSION

7.1 The Trust is committed to ensuring respect, objectivity, belief in the dignity of the individual, consistency of treatment and fairness in the operation of this policy. This commitment extends to promoting equality of opportunity and eliminating unlawful discrimination throughout the Academy community which includes all the academies and offices in the Trust.



- 7.2 The Trust will have due regard to its obligations under the Equality Act 2010, and its Public Sector Equality Duty to advance equality of opportunity and foster good relations between people from different groups and people with protected characteristics.
- 7.3 The Trust has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of, but not limited to, the protected characteristics of: age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership and pregnancy/maternity.

8. SCOPE OF THIS COMPLAINTS PROCEDURE

- 8.1 This procedure covers all complaints about any provision of community facilities or services by the Academy, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions to schools 	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH). <i><insert LADO/MASH details></i> .
<ul style="list-style-type: none"> Exclusion of children from school* 	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . <i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. <link to school behaviour policy></i> .



<ul style="list-style-type: none"> • Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> • Staff grievances 	<p>Complaints from staff will be dealt with under the trust's internal grievance procedures.</p>
<ul style="list-style-type: none"> • Staff conduct 	<p>Complaints about staff will be dealt with under the trust's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> • Statutory Assessment of Special Educational Needs 	<p>You can request a statutory assessment online through the Education Authority's website EA online request form.</p>
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities 	<p>School will direct the complainant to follow the external provider's own complaints procedure.</p>

8.2 If a complainant commences legal action against DoWAT in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.



9. MONITORING

- 9.1 Every school within the Trust is required to report all formal complaints on the complaints register. The Trust's designated executive lead will monitor the level and nature of formal complaints across the Trust on a termly basis, compiling a report which will be shared with the Board via the Audit and Risk Committee. This report will not name individuals.
- 9.2 Where complaints are upheld, staff and Governors investigating complaints will ensure that any recommendations and all actions are both implemented and actively monitored. Escalation should be made to the trust via the Complaints Coordinator where this could be applicable trust-wide.

10. WHO CAN MAKE A COMPLAINT?

- 10.1 This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the Academy about any provision of facilities or services that we provide.
- 10.2 Please note that this complaints procedure does not apply to;
- 10.2.1 DoWAT colleagues (who should refer to the grievance policy)
 - 10.2.2 Complaints dealt with under separate statutory procedures (for example, exclusions and admissions)
- 10.3 For full details see 'Scope of this complaints procedure'.

11. THE DIFFERENCE BETWEEN A CONCERN AND A COMPLAINT

- 11.1 A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.
- 11.2 A complaint may be defined as *'an expression of dissatisfaction however made, about actions taken or a lack of action'*.
- 11.3 It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The Academy takes concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 11.4 If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher or the Complaints Coordinator will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher or



the Complaints Coordinator will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

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

12. HOW TO RAISE A CONCERN OR MAKE A COMPLAINT

12.1 In the first instance a concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf on a complainant, if they have appropriate consent to do so.

12.2 Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office. Please mark them as Private and Confidential.

12.3 Complaints that involve or are about the Headteacher should be addressed to the Chair of Local Governing Body (via the Complaints Coordinator) at the school office. Please mark them as Private and Confidential.

12.4 Complaints about the Chair of Governors, any individual governor or the whole governing body should be addressed to the Complaints Coordinator via the school office. Please mark them as Private and Confidential.

12.5 Complaints about the Chief Executive Officer (CEO) or a trustee of the Trust, should be addressed to the Company Secretary, via the trust office. Please mark them as Private and Confidential. See 29.3 for the Trust address.

12.6 For ease of use, the complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask a third-party organisation for useful information and advice. Some examples and resources are provided below.

12.6.1 Citizens Advice – sorting out school problems.

www.citizensadvice.org.uk

12.6.2 Contact – for families with disabled children.

www.contact.org.uk

12.7 In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure.

12.8 For instance:



- 12.8.1 Providing information in alternative formats such as easy read or large text and alternative languages,
- 12.8.2 Assisting complainants in raising a formal complaint or holding meetings in accessible locations,
- 12.8.3 Assisting with support from relevant communications professionals, such as a British Sign Language interpreter, notetaker or lip speaker should the complaint need to be discussed face to face,
- 12.8.4 Assisting with access requirements for people with disabilities.

13. ANONYMOUS COMPLAINTS

- 13.1 We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

14. PERSISTENT, SERIAL, FRIVOLOUS OR VEXATIOUS COMPLAINTS

- 14.1 We will do our very best to help people who contact us with a particular complaint or concern. However, there will be occasions when, despite all stages of the complaints procedure having been followed, the complainant remains dissatisfied. If a complainant tries to re-open the same issue, they will be informed that the procedure has been completed and that the matter is now closed.
- 14.2 If the complainant continues to contact us on the same issue, we reserve the right to view the correspondence as 'serial' or 'persistent' and choose not to respond.
- 14.3 We adhere to the DfE Best Practice Guidance for School Complaint Procedures in ascertaining if a complaint is vexatious. This defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
 - 14.3.1 Complaints which are obsessive, persistent, harassing, prolific, repetitious.
 - 14.3.2 Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - 14.3.3 Insistence upon pursuing meritorious complaints in an unreasonable manner.
 - 14.3.4 Complaints which are designed to cause disruption or annoyance.
 - 14.3.5 Demands for redress that lack any serious purpose or value.
- 14.4 We will not refuse to accept further correspondence or complaints from an individual due to repeat or excessive contact. The application of a 'serial or persistent' marking will therefore be against the subject or complaint itself rather than the complainant.



14.5 For further details refer to Appendix 3 – Serial and Unreasonable Complaints.

15. COMPLAINT CAMPAIGNS

15.1 Occasionally, a school or the Trust may become the focus of a campaign and receive large volumes of complaints:

15.1.1 All based on the same subject.

15.1.2 From complainants unconnected with the school.

15.2 Should such a complaint(s) be received the school's Complaints Coordinator will inform the Trust's Company Secretary. They will ensure that the complaint(s) is investigated by the Headteacher, Chair of LGB, Chief Executive Officer or their designated lead, or Chair of Trust Board, as relevant.

15.3 Appropriate action will be taken to address any issues identified during the investigation. The Trust's Company Secretary will work with the investigator and where necessary, appropriate members of the Senior Executive Team or Board of Directors to identify a suitable method to communicate the response.

15.4 This may be one or both of the following:

15.4.1 Sending a template response to all complainants.

15.4.2 Publishing a single response on the school's website.

16. TIME SCALES

16.1 You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame only if exceptional circumstances apply.

17. COMPLAINTS RECEIVED OUTSIDE OF TERM TIME

17.1 We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

17.2 If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations. If this happens, we will inform you of a proposed new timescale.



18. RESOLVING COMPLAINTS

18.1 At each stage in the procedure, the Academy wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

18.1.1 An explanation.

18.1.2 An admission that the situation could have been handled differently or better.

18.1.3 An assurance that we will try to ensure the event complained of will not recur.

18.1.4 An explanation of the steps that have been or will be taken to help ensure that it will not happen again, and an indication of the timescales within which any changes will be made.

18.1.5 An undertaking to review school policies considering the complaint.

18.1.6 An apology.

19. WITHDRAWAL OF A COMPLAINT

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

20. SAFEGUARDING

20.1 Wherever a complaint indicates that a child's wellbeing or safety is at risk, the Academy is under a duty to report this immediately to the Local Authority. Any action taken will be in accordance with the School's Safeguarding & Child Protection Policy which can be found on the school's website.

21. SOCIAL MEDIA

21.1 In order for complaints to be resolved as quickly and fairly as possible, we require that Complainants do not discuss complaints publicly via social media such as Facebook and X. Complaints will be dealt with confidentially for those involved, and we expect Complainants to observe confidentiality also.

22. DEVIATION OF A COMPLAINT

22.1 There may be occasions when it's necessary or reasonable to deviate from this complaints procedure, including not doing something the policy says we will, should or may do. In these cases, the complainant will be kept informed and reasons for the deviation given.



23. RETENTION

23.1 The complaint investigator will ensure that a copy of all relevant information relating to formal complaints is kept at the Academy in a secure, confidential* file, separate from staff and pupil records. This information should be retained for six years from the date of the complaint, in line with guidance from the Information and Records Management Society (www.irms.org.uk) and in accordance with the principles of the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR). The Complainant should be informed that this will be done.

** Please note that the Secretary of State or a body conducting an inspection under section 109 of the Education and Skills Act 2008 may request access to complaints documentation.*

24. STAGE 1 – INFORMAL COMPLAINTS

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

24.2 Concerns should be raised with either the class teacher, form tutor, year head / subject head or Headteacher. They will listen to your concerns and ask you what you think might resolve the issue satisfactorily.

24.3 Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 3 of the procedure.

24.4 At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 10 school days of the date of receipt of the complaint.

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

25. STAGE 2 – FORMAL COMPLAINTS

25.1 Formal complaints must be made to the Headteacher (unless they are about the Headteacher), via the school office. So that we have a formal record of your concerns this should be done in writing on the complaint form (see Appendix 1).

25.2 The Headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

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



- 25.3.1 *Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken, which remains with the Headteacher.*
- 25.4 During the investigation, the Headteacher (or investigator) will:
- 25.4.1 If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
- 25.4.2 Keep a written record of any meetings/interviews in relation to their investigation.
- 25.5 At the conclusion of their investigation, the Headteacher or investigator will provide a formal written response within 10 school days of the date of receipt of the complaint.
- 25.6 If the Headteacher or investigator is unable to meet this deadline, they will provide the complainant with an update and revised response date.
- 25.7 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.
- 25.8 The Headteacher or investigator will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.
- 25.9 If the complaint is about the Headteacher, or a member of the governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all the actions at Stage 2.
- 25.10 Complaints about the Headteacher or a member of the governing body must be made to the Complaints Coordinator, via the school office. In these cases, Stage 2 will be escalated to the Chair.
- 25.11 If the complaint is:
- 25.11.1 Jointly about the Chair and Vice Chair or;
- 25.11.2 The entire governing body or;
- 25.11.3 The majority of the governing body.
- Stage 2 will be escalated to the CEO of the Trust or their designated Executive lead.
- 25.12 Staff and governors have the option to commission an independent, external investigation at either of the formal stages of the complaints process (e.g. if the school wanted to commission an external investigation because the complaint was about the Headteacher, or if the local governing body wanted to commission one into a disputed event or incident in preparation for a Panel Hearing).



26. STAGE 3 – COMPLAINT PANEL HEARING

- 26.1 If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 3 – a panel hearing consisting of three people who were not directly involved in the matters detailed in the complaint, with at least one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.
- 26.2 A request to escalate to Stage 3 must be made in writing to the Complaints Coordinator via the school office, within 5 school days of receipt of the Stage 2 response.
- 26.3 The Complaints Coordinator will record the date the complaint is received in the complaints register and inform the Clerk who will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.
- 26.4 Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 26.5 The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
- 26.6 If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence based on written submissions from both parties.
- 26.7 If the complaint is:
- 26.7.1 Jointly about the Chair and Vice Chair or;
 - 26.7.2 The entire local governing body or;
 - 26.7.3 The majority of the local governing body.
- Stage 3 will be heard by the trustees or their designated executive lead and an independent panel member.
- 26.8 A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend.
- 26.9 If a school employee has witnessed events that are relevant to the complaint the Chair of the Panel can request that they provide a written account. In exceptional circumstances and at the chair's discretion, they can be called to the complaint hearing to give an account. They may wish to be supported by a union representative or independent colleague.



26.9.1 *Note: Complaints about staff conduct will not be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered via Human Resources and our internal staff disciplinary procedures, if appropriate, but outcomes will not be shared with them. (See - Scope of this complaints procedure)*

26.10 Representatives from the media are not permitted to attend.

26.11 At least 10 school days before the meeting, the Clerk will:

26.11.1 Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.

26.11.2 Request copies of any further written material to be submitted to the panel at least 5 school days before the meeting.

26.12 Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

26.13 The panel will not accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

26.14 The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

26.15 The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any notes taken.

26.16 Staff and governors have the option to commission an independent, external investigation at either of the formal stages of the complaints process (e.g. if the school wanted to commission an external investigation because the complaint was about the Headteacher, or if the local governing body wanted to commission one into a disputed event or incident in preparation for a Panel Hearing).

27. BIAS IN THE PROCEEDINGS

27.1 Complainants can request an independent complaints committee if they believe there is likely to be bias in the proceedings. They should provide evidence of bias in support of their request, as it is the Panel's decision whether to agree to it. If the appearance of bias is sufficient to taint the decision reached, then it is recommended that the Panel grants such requests.



27.2 Persons who have a conflict of interest (including financial) should not take part in the complaints process, including proceedings of governing body meetings and committees. If there's any reasonable doubt as to a person's ability to act impartially, they should withdraw from considering a complaint.

28. PROCEDURE AT THE COMPLAINT PANEL HEARING

28.1 The Complaint Panel Hearing will be conducted as follows:

28.1.1 The Clerk to the Complaint Panel will greet the complainant, the complainant's supporter and the school's representative and welcome them into the room where the Complaint Panel has convened.

28.1.2 Questions may be restricted depending on the relevance/purpose of them, and whether they have been addressed in the documentation.

28.1.3 All parties must comply with the Trust's Policy for Dealing with Unacceptable Behaviour on School Premises. A breach of this policy during the hearing may result in the hearing being adjourned and rescheduled with the non-attendance of particular parties if necessary.

28.1.4 The Complainant will be invited by the Complaint Panel to give an account of their complaint.

28.1.5 The School's Representative has the right to seek clarification on the Complainant's account. This is for the sole purpose of seeking clarification and does not mean they have the right to question the Complainant.

28.1.6 The Complaint Panel will ask the Complainant questions, if any.

28.1.7 The School's Representative will be invited by the Complaint Panel to respond to the complaint and make representations on behalf of the School.

28.1.8 The Complainant has the right to seek clarification on the School's Representative account. This is for the sole purpose of seeking clarification and does not mean they have the right to question the School's Representative.

28.1.9 The Complaint Panel will ask the School's Representative questions, if any.

28.1.10 The Complainant will be invited by the Complaint Panel to summarise their complaint.

28.1.11 The School's Representative will be invited by the Complaint Panel to summarise their response to the complaint and the school's stance.

28.1.12 The Complaint Panel Hearing will conclude, and the Complainant and the School's Representative will be asked to leave.



- 28.1.13 The Chair of the Panel may, at their discretion, adjourn the Hearing if they consider it appropriate to do so. This may include an adjournment for the parties to take legal advice and/or specialist advice on a specific issue arising.
- 28.1.14 A Hearing before the Panel is a private proceeding. No notes or other records or oral statements about any matter discussed in or arising from the proceeding shall be made available directly or indirectly to the press or other media.
- 28.2 The panel will consider the complaint and all the evidence presented. The panel can:
- 28.2.1 Uphold the complaint in whole or in part.
- 28.2.2 Dismiss the complaint in whole or in part.
- 28.3 If the complaint is upheld in whole or in part, the panel will:
- 28.3.1 Decide on the appropriate action to be taken to resolve the complaint.
- 28.3.2 Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.
- 28.4 The Chair of the Panel will provide the complainant and school with a full explanation of their decision and the reason(s) for it, in writing, together with copies of the notes within 5 school days.
- 28.5 The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled.
- 28.6 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions DoWAT will take to resolve the complaint.
- 28.7 The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about, the Headteacher and the proprietor (the trust).
- 28.8 A written record will be kept of all stage 2 and stage 3 complaints, on the complaints register, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.
- 28.9 All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.



29. COMPLAINTS ESCALATED TO/ABOUT THE TRUST, CEO OR TRUSTEE

- 29.1 If a complaint is escalated to The Diocese of Westminster Academy Trust (DoWAT) at stage 2 of the procedure or if a complainant wishes to complain directly about the trust, then the complaint should be sent to the CEO via the trust office.
- 29.2 Complaints about the CEO or an Executive Director should be addressed to the Chair of the Board to be investigated, via the trust office.
- 29.3 Please mark them as Private and Confidential and address to;
- Chair of the Board via Company Secretary
The Diocese of Westminster Academy Trust,
Waxwell House,
125 Waxwell Lane,
Pinner,
London,
HA5 3EP
- 29.4 The Company Secretary or Trust Governance Professional will write to the complainant acknowledging the complaint within 3 school working days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated by the CEO or their designated Executive Lead under Stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.
- 29.5 Following the investigation, the CEO/Designated Executive Lead will write to the complainant confirming the outcome within 15 school days of the date that the letter was received. If this time limit cannot be met, the CEO or their designate will write to the Complainant within 10 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.
- 29.6 If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust Board. If a formal complaint form is received about the Chair, the complaint will be referred to the Vice Chair for investigation.
- 29.6.1 *NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the complainant and provide a copy to the CEO.*
- 29.7 If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Company Secretary asking for the complaint to be heard before a Complaint Panel, within 5 school days.
- 29.8 The Company Secretary or Trust Governance Professional will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.



- 29.9 Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 29.10 The Company Secretary or Trust Governance Professional will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 3 request. If this is not possible, they will provide an anticipated date and keep the complainant informed.
- 29.11 If the complainant rejects the offer of three proposed dates, without good reason, the Company Secretary or Trust Governance Professional will decide when to hold the meeting. It will then proceed in the complainant's absence based on written submissions from both parties.
- 29.12 If the complaint is
- 29.12.1 Jointly about the Chair and Vice Chair or;
 - 29.12.2 The entire Trust Board or;
 - 29.12.3 The majority of the Trust Board.
- Stage 3 will be heard by a completely independent complaints panel.
- 29.13 The Complaint Panel will consist of three people: for example, trust directors or their designated executive lead. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint or have been involved in dealing with the complaint in the previous stages, of have any detailed prior knowledge of the complaint.
- 29.14 One of the Complaint Panel members will be independent of the management and running of the Academy Trust. This means that the independent Complaint Panel member will not be a director or an employee of the Trust.
- 29.15 A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend.
- 29.16 If a trust employee has witnessed events that are relevant to the complaint the Chair of the Panel can request that they provide a written account. In exceptional circumstances and at the chair's discretion, they can be called to the complaint meeting to give an account. They may wish to be supported by a union representative or independent colleague.
- 29.16.1 *Note: Complaints about staff conduct will not be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered via Human Resources and our internal staff disciplinary procedures, if appropriate, but outcomes will not be shared with them. (See - Scope of this complaints procedure)*



- 29.17 Representatives from the media are not permitted to attend.
- 29.18 At least 10 school days before the meeting, the Company Secretary or Trust Governance Professional will:
- 29.18.1 Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible.
 - 29.18.2 Request copies of any further written material to be submitted to the panel at least 5 school days before the meeting.
- 29.19 Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 29.20 The panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
- 29.21 The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any notes taken.
- 29.22 The panel will consider the complaint and all the evidence presented. The panel can:
- 29.22.1 Uphold the complaint in whole or in part.
 - 29.22.2 Dismiss the complaint in whole or in part.
- 29.23 If the complaint is upheld in whole or in part, the panel will:
- 29.23.1 Decide on the appropriate action to be taken to resolve the complaint.
 - 29.23.2 Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.
- 29.24 The Chair of the Panel will provide the complainant and DoWAT with a full explanation of their decision and the reason(s) for it, in writing, together with copies of the notes within 5 school days.
- 29.25 The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by DoWAT.



- 29.26 The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions DoWAT will take to resolve the complaint.
- 29.27 The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the proprietor (the trust) and the Headteacher.
- 29.28 A secure written record will be kept of all escalated complaints, on the complaints register, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.
- 29.29 All correspondence statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

30. NEXT STEPS

- 30.1 If the complainant believes the school / Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.
- 30.2 The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Academy. They will consider whether the Academy has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.
- 30.3 The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

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



Please give details of your complaint, including whether you have spoken to anybody at the school about it.

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

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



Signature:
Date:
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Action taken:
Date:



32. APPENDIX TWO – ROLES AND RESPONSIBILITIES

Complainant

32.1 The complainant will receive a more effective response to the complaint if they:

- 32.1.1 Explain the complaint in full as early as possible.
- 32.1.2 Co-operate with the school in seeking a solution to the complaint.
- 32.1.3 Respond promptly to requests for information or meetings or in agreeing the details of the complaint.
- 32.1.4 Ask for assistance as needed.
- 32.1.5 Treat all those involved in the complaint with respect.
- 32.1.6 Refrain from publicising the details of their complaint on social media and respect confidentiality.

Investigator

32.2 The investigator's role is to establish the facts relevant to the complaint by:

- 32.2.1 Providing a comprehensive, open, transparent, and fair consideration of the complaint through:
 - i. Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved.
 - ii. Interviewing staff and children/young people and other people relevant to the complaint, where necessary.
 - iii. Consideration of records and other relevant information.
 - iv. Analysing information.
- 32.2.2 Liaising with the complainant and the Complaints Co-ordinator as appropriate to clarify what the complainant feels would put things right.

32.3 The investigator should:

- 32.3.1 Conduct interviews with an open mind and be prepared to persist in the questioning.
- 32.3.2 Keep notes of interviews or arrange for an independent note taker to record notes of the meeting.
- 32.3.3 Ensure that any papers produced during the investigation are kept securely pending any appeal.



- 32.3.4 Be mindful of the timescales to respond.
- 32.3.5 Prepare a comprehensive report for the Headteacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- 32.3.6 The Headteacher or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

Complaints Co-ordinator

32.4 The complaints co-ordinator should:

- 32.4.1 Ensure that the complainant is fully updated at each stage of the procedure.
- 32.4.2 Liaise with staff members, Headteacher, CEO, Chair of Governors, Chair of Trust or the Clerk and to ensure the smooth running of the complaints procedure.
- 32.4.3 Be aware of issues regarding:
 - i. Sharing third party information.
 - ii. Additional support. This may be needed by complainants when making a complaint. Including interpretation support or where the complainant is a child or young person.
- 32.4.4 Keep records by ensuring the complaints register is updated in a timely manner.
- 32.4.5 Act as the contact point for the complainant for school level complaints.

Clerk to the Local Governing Body/Trust Board

32.5 This is the contact point for the complainant.

32.6 The Clerk should:

- 32.6.1 Ensure that all people involved in the complaints procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR).
- 32.6.2 Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible.
- 32.6.3 Collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale.
- 32.6.4 Record the proceedings.
- 32.6.5 Circulate the notes of the meeting.
- 32.6.6 Notify all parties of the panel's decision.



Panel Chair – Stage 3

32.7 At the Stage 3 Panel Hearing, the panel’s chair, who is nominated in advance of the complaint meeting, should ensure that:

- 32.7.1 Both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting.
- i. The meeting is conducted in an informal manner, is not adversarial, and that, all parties attending are treated with respect and courtesy.
 - ii. Complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person.
 - iii. The remit of the panel is explained to the complainant.
 - iv. Written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual’s rights to privacy under the DPA 2018 or GDPR.
 - v. If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting.
 - vi. Both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself.
 - vii. The issues are addressed.
 - viii. Key findings of fact are made.
 - ix. The panel is open-minded and acts independently.
 - x. No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
 - xi. The meeting is minuted.
 - xii. They liaise with the Clerk (and Complaints Co-ordinator, where applicable).

Panel Member

32.8 Panel members should be aware that:

- 32.8.1 The meeting must be independent and impartial and should be seen to be so.
- 32.8.2 No governor / trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- 32.8.3 The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant.
- 32.8.4 We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- 32.8.5 Many complainants will feel nervous and inhibited in a formal setting.



- 32.8.6 Parents/carers often feel emotional when discussing an issue that affects their child.
- 32.8.7 Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting.
- 32.8.8 Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.
- 32.8.9 The panel should respect the views of the child/young person and give them equal consideration to those of adults.
- 32.8.10 If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.
- 32.8.11 However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests.
- 32.8.12 The welfare of the child/young person is paramount.



33. APPENDIX THREE – SERIAL AND UNREASONABLE COMPLAINTS

- 33.1 The Academy is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with our school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive, or threatening.
- 33.2 The Academy defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:
- 33.2.1 Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
 - 33.2.2 Refuses to co-operate with the complaints investigation process.
 - 33.2.3 Refuses to accept that certain issues are not within the scope of the complaints procedure.
 - 33.2.4 Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice.
 - 33.2.5 Introduces trivial or irrelevant information which they expect to be considered and commented on.
 - 33.2.6 Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
 - 33.2.7 Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
 - 33.2.8 Changes the basis of the complaint as the investigation proceeds.
 - 33.2.9 Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
 - 33.2.10 Refuses to accept the findings of the investigation into that complaint where the school's complaints procedure has been fully and properly implemented and completed including referral to the Department for Education.
 - 33.2.11 Seeks an unrealistic outcome.
 - 33.2.12 Makes excessive demands on school time by frequent, lengthy, and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
 - 33.2.13 Uses threats to intimidate.
 - 33.2.14 Uses abusive, offensive, or discriminatory language or violence.
 - 33.2.15 Knowingly provides falsified information.
 - 33.2.16 Publishes unacceptable information on social media or other public forums.
- 33.3 Complainants should try to limit their communication with the school that relates to their complaint, while the complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email, or text), as it could delay the outcome being reached.



- 33.4 Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 33.5 If, however, the behaviour continues, we will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact the Academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.
- 33.6 In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the Academy.
- 33.6.1 *DfE guidance on barring individuals from school premises can be found on the UK government website (<https://www.gov.uk/government/publications/controlling-access-to-school-premises/controlling-access-to-school-premises#barring-individuals-from-school-premises>)*

