

## Complaints Policy

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[www.learningleading.org](http://www.learningleading.org)

01788 222060 | [info@learningleading.org](mailto:info@learningleading.org) | @LearnLeadTrust

Address and Registered Office: 1 Bailey Road, Rugby CV23 0PD

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## Introduction

At all LT2 schools we have a strong commitment towards working in positive partnership with the whole community. Our schools are busy places where there are many interactions between pupils, parents/carers and staff as part of the everyday life of the schools. We share an ethos of respecting the rights of all members of the school communities and as part of our curriculum teaching we work to instil this in our pupils.

From time to time something may go wrong. Where any concerns are raised we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through the relevant school's day-to-day communication between parents and the school staff, without anxiety, and in the knowledge that concerns and complaints will be treated seriously, impartially and, except where disclosure is legally required, confidentially.

Where a parent may feel that an issue has not been dealt with appropriately it is important, for all involved, that there is a clear & transparent process for a complaint to be looked at and followed up.

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 [an LT2 School](#) about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

## Aims

Learning Today Leading Tomorrow Academy Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at our academies, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect
- Keep complainants informed of the progress of the complaints process
- Addresses all points at issue and provides effective response and appropriate redress, where necessary
- Consider how the complaint can feed into school improvement evaluation processes by providing information to the school's senior management team so that services can be improved.

This policy may be used by:

- A parent whose child attends or who has recently left a Learning Today Leading Tomorrow School

- Members of the public or other organisations
- A Governor, Trustee or Member about a member of staff at an academy or in the central MAT team
- A member of staff against an individual staff member, Governor, Trustee or Member
- Stakeholders for Data Protection and Freedom of Information related matters

This policy is not intended to apply to concerns or complaints related to certain aspects of the MAT's work as these are covered under separate policies and procedures, e.g. child protection & safeguarding, admissions. We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed. The Trust and Academy will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will ensure we publicise the existence of this policy and make it available on each School and Learning Today Leading Tomorrow website.

### **Schedule of Responsibilities**

The CEO of Learning Today leading Tomorrow Trust (LT2) takes overall responsibility for the implementation of policies and procedures and to provide reports as appropriate to Trustees in relation to this policy.

Headteachers of LT2 schools and their Senior Leadership Teams will take active steps to promote good practice under this policy and review and monitor the management and implementation of this policy and practice in their Academy. They will identify training needs, ensuring competence in those staff who are responsible for and involved in the operation of this policy and associated guidance.

Teachers and other supervisory roles will, where required, conduct formal meetings, undertake relevant training in relation to this policy and ensure effective and competent operation of this policy.

All employees are required to cooperate fully and positively with the requirements of this Policy and to undertake any training recommended by their line manager.

The Trust legal advisors are responsible for providing advice and guidance under this policy and reviewing and updating the policy as required.

The following persons will generally be responsible for managing employees under this policy:

- The School Headteacher (for School based teaching and educational or non-educational support staff); and,
- The Chief Executive Officer (for School Headteachers and centrally appointed teaching and support staff) (the "Line Manager").
- The Chair of the Trust (for the CEO and governors)

## The Complaints Procedure

This procedure is available to all parents and members of the public via every school's website. Parents of prospective pupils registered for entry to a LT2 school are provided with a copy. This policy can also be made available in a different language or more accessible format, on request.

In accordance with equality law, the schools will make such reasonable adjustments as necessary to the complaints procedure (rather than policy) to ensure it is readily accessible to those people with a disability. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## The difference between a Concern and a Complaint

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'. Examples of concerns might include dissatisfaction about some aspect of teaching or pastoral care, allocation of privileges or responsibilities, a timetable clash, an issue with the School's systems or equipment, or a billing error.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

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. All LT2 schools takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, **the headteacher** will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, **the headteacher** 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.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the LT2 school will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## How to raise a concern or make a complaint

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, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

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 2 of the procedure.

Complaints against school staff (except the headteacher) should be made in the first instance, to [the headteacher \(or acting headteacher\)](#) via the school office. Please mark them as Private and Confidential.

Complaints that involve or are about the headteacher should be addressed to the to Brenda Mullen (the CEO), via the school office via the school office. Please mark them as Private and Confidential.

Complaints relating to any governors should be addressed to the Chair of the Governing Board/Sustainable Improvement Board via the school office. Please mark them as Private and Confidential.

Complaints about the Chair of Governors/Sustainable Improvement Board should be addressed to the Chair of Trustees and sent to Dave Merritt (Trust Clerk) via the school office. Please mark them as Private and Confidential.

Complaints that relate to the Chief Executive Officer, a Trustee, or a member should be addressed to the Chair of the Chair of the Trustees and sent to Dave Merritt (Trust Clerk) via the school office. Please mark them as private and confidential.

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

### **Anonymous Complaints**

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

### **Principles for Investigation**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage. Although every effort will be made to comply with these time limits, it may not always be possible to do so, for example due to the complexity or number of matters raised and where further investigations are necessary. Where new time limits will be set, the complainant will be sent details of the new deadline with an explanation for the delay.

## Timescales

You must raise the complaint as soon as possible after an incident arises and no later than 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 if exceptional circumstances apply.

## Complaints received outside of term time

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

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by LT2 schools. The kinds of issues that might lead to a formal complaint being made may include:

- The school environment
- Staff conduct
- Bullying
- Discrimination e.g. on the grounds of race or gender

In each of these cases the responsibility for action lies locally with the school. The Trust will not become involved while due process remains available at school level. In some cases, a complaint may lead to a disciplinary hearing or an appeal against a decision in which case it may be appropriate for the issue to be dealt with separately from the complaints procedure. This complaints procedure does not deal with complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to Contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with &lt;insert local authority details&gt;</p>
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility</p>

	for safeguarding or the Multi-Agency Safeguarding Hub (MASH). <insert LADO/MASH details>.
<ul style="list-style-type: none"> <li>Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure. &lt;link to school behaviour policy&gt;.</i></p>
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 whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</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"> <li>Staff grievances</li> </ul>	Complaints from staff will be dealt with under the school's internal grievance procedures.
<ul style="list-style-type: none"> <li>Staff Conduct</li> </ul>	<p>Complaints about staff will be dealt with under the school'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"> <li>Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
<ul style="list-style-type: none"> <li>National Curriculum - content</li> </ul>	Please contact the Department for Education at:

	<a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
<ul style="list-style-type: none"> <li>• Provision of Collective Worship and Religious Education</li> </ul>	

:

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 a complainant commences legal action against an LT2 School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

### Resolving Complaints

At each stage in the procedure, LT2 schools will want to resolve the complaint. All LT2 school are required to provide a written record of all complaints that are made in writing whether they are resolved following a formal procedure, or proceed to a panel hearing; and action taken by the school as a result of those complaints (regardless of whether they are upheld); and will provide that correspondence, including statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection requests access to them.

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:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- 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
- an undertaking to review school policies in light of the complaint
- an apology

## Withdrawal of a Complaint

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

### Stage 1: Informal Resolution

Parents or carers and other complainants should wherever possible seek an early and informal resolution of all concerns. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. The relevant school will wish to take whatever measures are necessary to sort out any problems effectively before they turn a concern into a complaint; such measures will include some or all of the following:

- giving advice or reassurance
- explaining the context of an incident or decision
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- 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
- gathering information from other staff or from pupils
- finding information from other sources
- referring the concern or potential complaint to a senior colleague
- reviewing or amending policy and/or practice in light of the complaint
- giving feedback to parents
- Apologising for a mistake or oversight

A parent or carer with a concern or potential complaint should normally first contact their child's form teacher or Headteacher, though other members of staff may need to be involved or consulted, as an informal resolution may be possible that is acceptable to both parties.

Each school will keep a written record of concerns raised with them and the date on which they were received. In common with other correspondence from parents, details of concerns made in this way are kept in pupils' confidential files.

In the event that a parent or carer (or exceptionally, a pupil using this procedure) remains dissatisfied that an acceptable resolution has not been reached through their school's response and within a reasonable time of fifteen (15) school days unless otherwise notified, then the parent is entitled to proceed with a formal written complaint in accordance with the procedure below.

## Stage 2: Formal Complaints

### Stage 2(i) – Formal resolution by a member of the school’s management team

If the concern or complaint has not been resolved informally, a formal complaint must be made to the School’s Headteacher (unless they are about the Headteacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone. A written complaint is preferred. The complainant should state that a complaint is being made and the desired outcome, addressed to their school’s Headteacher, who will decide on the appropriate course of action to take.

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 **five (5)** school days.

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 (*Note: The headteacher may delegate the investigation to another member of the school’s senior leadership team but not the decision to be taken*).

Where necessary, the relevant Headteacher will meet with the complainant, within ten (10) school days of receiving the complaint, to discuss the matter and if possible to reach a resolution at this stage.

In all instances it may be necessary to carry out further investigations. During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation

On the conclusion of their investigation and once the Headteacher is satisfied that all the relevant facts have been established, a formal response to the parent’s or carer’s complaint will be made and the parent will be informed in writing, within ten (10) school days. If the Headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The nature of the response will depend on the nature of the complaint but it will always include the following:

- Detail any actions taken to investigate the complaint
- Give a judgement whether and to what extent, if at all, the complaint is justified
- Give a full explanation of this decision and the reasons for it reasons
- Details of actions the school will take to resolve the complaint

The Headteacher will advise the complainant how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1. A complainant who is not satisfied should proceed to the next stage.

If the complaint is about the Headteacher, the CEO will be appointed to complete all the actions of stage 1.

If the complaint is about a governor/SIB member, the Chair of the Governors/SIB will be appointed to complete all the actions of stage 1.

If the complaint is about the Chair of the Governors, Chief Executive Officer, Trustee or Member, the Chair of the Trustees will be appointed to complete all the actions in stage 1.

If the complaint is about the Chair of the Trustees, Stage 1 will be considered by an independent investigator appointed by the Trust Board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

### Stage 2(ii) – Formal resolution by appeal to the Headteacher

If Stage 2(i) has not resolved the complaint satisfactorily, the complainant should write to the Headteacher within ten (10) school days, stating why an appeal for resolution by the Headteacher is requested and, wherever possible, the action which the complainant wishes the school to take to resolve the problem. The procedure to be followed by the Headteacher will involve the same steps, timescale, record keeping and form of response as set out for resolution by the Headteacher in Stage 2(i). A complainant not satisfied, after receiving the Headteacher's decision should proceed to Stage 3.

### Stage 3: Independent Resolution: Panel Hearing

If Stage 2 has not resolved the complaint to the satisfaction of the parent or carer, he/she should write within ten (10) school days to their school's Headteacher, requesting a hearing before the complaints panel. The Headteacher will record the date the complaint is received and acknowledge the letter of complaint within five (5) school days in writing (either by letter or email).

The Headteacher will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within fifteen (15) school days of receipt of the Stage 3 request. If this is not possible, the Headteacher will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Trust Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

A panel of three, consisting of two members of the Local Governing Body/SIB and a third independent member will be convened to hear the complaint, within fifteen (15) school days. This independent member will not be associated in any way with the relevant school or the Trust and will be a person with professional competence (usually a serving or retired Head) or failing that through the appointment of an Independent Person, who would meet the standard for independence, as defined by the requirement that is laid down in The Children Act 1989 Representations Procedure (England) Regulations and Guidance, “Getting the Best from Complaints”. None of these members will have been involved in the matters detailed in the complaint. It is important that the complaint panel should not only be independent but be seen to be so. The full governing body/SIB should not consider individual complaints in case the investigation leads to a disciplinary hearing that would need to be heard by a separate group of governors/SIB members. Similarly, some governors/SIB members may have prior knowledge of a problem, which might make them unable to give fair and unbiased consideration to the issue.

The panel will decide amongst themselves who will act as the Chair of the Complaints Panel. If there are fewer than two governors/SIB members from the school available, the Headteacher will source any additional, independent governors through another local school, in order to make up the panel. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

The Headteacher of the school which received the complaint will appoint a clerk to the panel from amongst their staff. Members of the panel will have access to all relevant documentation and will be able to ask the school and the complainant for any other relevant information or documentation.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant’s needs. It is intended that the process should not be legalistic. Complainants may be accompanied at this meeting by another family member, if appropriate and by another person (e.g. relative, friend or a relevant specialist). Generally, we do not encourage either party to bring legal representatives to the panel meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

Please note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least five (5) school days before the meeting, the appointed Clerk will:

- 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

- request copies of any further written material to be submitted to the committee at least <insert number> school days before the meeting.

Any written material will be circulated to all parties at least five (5) school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee 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.

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 minutes taken.

If possible, the panel will resolve the complainant's concern without further investigation. Where further investigation is needed, the panel will decide how to carry out the investigation.

The panel will not consider any new areas of complaint which have not been previously raised as part of the complaints procedure. New complaints must be dealt with from the start of the complaints procedure.

The panel's task is to establish the facts surrounding the complaints that have been made. If the panel considers that the complaint is valid, it will uphold the complaint. If the panel consider that the complaint is without foundation, it will dismiss the complaint. The panel will make these decisions on the balance of probability. It is not within the powers of the panel to make any financial award, nor to impose sanctions on staff, pupils or parents. The panel may make recommendations on these or any other issue to the Headteacher.

After due consideration of all relevant facts, the panel will give a written finding in response to the complaint: the finding will depend on the nature of the complaint but the panel will always give a judgement whether and to what extent, if at all, the complaint is justified, and the panel's reasons. The written response will explain if the panel decided to:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint

- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The finding of the panel will be final.

The Chair of the Panel will provide a copy of the finding to the complainant, Headteacher, school and where relevant, the person who is the object of the complaint by electronic mail. Where electronic mail is not appropriate, a copy will be given or sent in the post. A written response to the complainant will be made as soon as possible but in any case within 10 (ten) school working days of the panel. The finding will give a full explanation of their decision and reasons for it.

The letter containing the findings sent to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the school.

If the complaint is about:

- the Chair and Vice Chair of an LGB/SIB
- the entire governing board/SIB or
- the majority of the governing board

Stage 2 will be heard by a committee of independent governors

If the complaint is about:

- the CEO
- the Chair and Vice Chair of the Trust
- the entire Trust
- the majority of the Trust Board

Stage 2 will be heard by a committee of independent Trustees

### **Appeal to the Department for Education**

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, the complainant can refer their complaint to the Department for Education online at:

[www.education.gov.uk/contactus](http://www.education.gov.uk/contactus) by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

The DfE would not normally reinvestigate the substance of complaints or overturn any decisions made by the school/Trust.

### **Vexatious Complaints**

A good procedure can help limit the number of protracted complaints. It is not appropriate to make personal accusations or attacks on members of school staff, or to raise matters that are not about education or a pupil's well-being. It is also not appropriate to make unsubstantiated allegations against the school, or to behave unreasonably by not engaging with the school to attempt a joint resolution. If a complainant attempts to reopen issues that have been dealt with through the complaints procedure it will be explained that the procedure has been exhausted.

If a complainant acts unreasonably by continuing to raise similar issues or raising a range of unrelated issues on a repeated basis then the school reserves the right not to respond. If a complainant in this category refuses to engage in the school's formal complaints procedures, but continues to complain, then the Headteacher or chair of governors will inform the complainant that the complaints are vexatious.

If the complainant believes that the school has acted unreasonably they may appeal to the Education Funding Agency on behalf of the Secretary of State for Education as detailed in the section above.

### **Duplicate Complaints**

After closing a complaint at the end of the complaints procedure, a duplicate complaint may be received. A duplicate complaint may be received from:

- A spouse
- A partner
- A grandparent
- A child

If the complaint is about the same subject, the school will inform the complainant that the local process is complete. The complainant should contact the Department for Education if they are dissatisfied with the handling of the original complaint.

Any new aspects to the complaint which had not been previously considered will be investigated and dealt with to the full extent of the complaints procedure.

### **Persistent Complaints**

Where a complainant tries to re-open the issue with the School after the complaints procedure has been fully exhausted and the School has done everything it reasonably can in response to the complaint, the chair of governors (or other appropriate person in the case of a complaint about the chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the School again about the same issue, the School can choose not to respond. The normal circumstance in which the School/Trust will not respond is if:

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

However, this list is not intended to be exhaustive.

The School will be most likely to choose not to respond if:

- We have reason to believe the individual is contacting the School with the intention of causing disruption or inconvenience
- The individual's letters/emails/telephone calls are often or always abusive or aggressive
- The individual makes insulting personal comments about, or threats towards school staff
- Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint

Once the School has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The School will ensure when making this decision that complainants making any new complaint are heard, and that the School acts reasonably.

If the complainant contacts the School again on the same issue, then the correspondence may be viewed as 'serial' or 'persistent' and the School may choose not to respond.

### **Monitoring Complaints**

Each school along with the Chair of Governors/SIB and Board of Trustees will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The complaints records are logged and managed by the schools. Details will include:

- Name of complainant
- Details of the complaint
- How the complaint was investigated and by whom
- When the complaint was made
- The results and conclusions of the investigation(s)
- Any action taken as a result

### **Confidentiality and Record-Keeping**

A record will be kept by all schools of all complaints received, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

All complaints resolved at the formal stage will be recorded by the school. A copy of the panel's findings and recommendations will be available on the school premises for inspection by the Headteacher and Trustees. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection under section 162A of the 2002 Act, as amended, requests due access to them.

A record of complaints will be kept by the school and the Trust for three years.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Trust/governing/Sustainable Improvement Board in case a review panel needs to be organised at a later point.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to improve this request is made by the governing board, who will not unreasonably withhold consent.

Details of our complaint procedure will be available on each school's website and also on request through the main school office at any school. All of The Trust's school staff and local governors/SIB members must be aware of the complaints procedure, to ensure a consistent approach in dealing with concerns. A copy of this complaints procedure is available on request in large print.

### **Review**

This policy will be reviewed annually by the Trust.

The CEO will review any underlying issues raised by complaints with the Headteacher, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its

procedures or practice to help prevent similar events in the future. The CEO will inform the Chair of Trustees and Executive Leadership Team of any proposed changes to procedures or practices.

**Appendix A – Formal Complaint Form**

Please complete and return to the Headteacher via the School office. The Headteacher will acknowledge receipt and explain what action will be taken.

<u>Your Name:</u>	<u>Student’s Name:</u>
<u>Your Relationship to Student</u>	<u>Student’s DOB, School and Form:</u>
<u>Address and Postcode:</u>	<u>Daytime Telephone Number:</u>
	<u>Evening Telephone Number:</u>
<u>Full details of complaint (please include the names of all involved, dates of the incidents referred to, and actions already taken by the school to try and resolve the situation):</u>	

(If you run out of space, please use extra paper)

What action, if any, have you taken to try and resolve your complaint (for example, who did you speak to and what was the response)?

What would you like as an outcome from your complaint?

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

<u>Are you attaching any paperwork? If so, please give details.</u>	
<u>Signature:</u>	<u>Date:</u>
<u>For Official Use:</u>	
<u>Date Acknowledgement Sent:</u>	
<u>Name of Person Complaint Referred to:</u>	
<u>Signature:</u>	<u>Date:</u>

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act, 1998 and the Freedom of Information Act, 2000.

The School will, in following this procedure, refer to any relevant legislation including all human rights based legislation.

Please complete and return to the school office. Your complaint will be acknowledged with an explanation of what happens next.

## Monitoring

### Ethnicity

Please state what you consider your ethnic origin to be. Ethnicity is distinct from nationality and the categories below are based on the Census in alphabetical order.

Asian		Black		Chinese or other ethnic group	
Indian		Caribbean		Chinese	
Pakistani					
Bangladeshi		African			
Any other Asian background (please specify)		Any other Black background (please specify)		Any other ethnic group (please specify)	
Mixed		White			
		English			
White and Black Caribbean		Irish			
White and Black African		Scottish			
White and Asian		Welsh			
Any other mixed background (please specify)		Any other White background (please specify)			
				Rather not say	
Age		Rather not say			

### Disability

The Disability Discrimination Act (1995) defines a person as disabled if they have a physical or mental impairment which has a substantial and long-term (i.e. has lasted or is expected to last at least 12 months) adverse effect on one's ability to carry out normal day-to-day activities. This definition includes such conditions as cancer, HIV, mental illness and learning disabilities. Do you consider yourself to have a disability according to the above definition?

Yes	No	Rather not say
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### Gender

Male		Transgender F to M	
Female		Transgender M to F	
		Rather not say	

## Appendix B – Roles and Responsibilities

### Complainant

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

- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint on social media and respect confidentiality.

### Investigator

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

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and children/young people and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

The headteacher or complaints committee 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

This could be the headteacher, the CEO or designated complaints governor/SIB member/trustee or other staff member providing administrative support.

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, headteacher, Chair of Governors, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - 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
- keep records.

### Clerk to the Complaints Panel

The Clerk is the contact point for the complainant and the committee and should:

- ensure that all people involved in the complaint 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)
- 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
- 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
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

### Panel Chair

The committee's chair, who is nominated in advance of the complaint meeting, should ensure that:

- 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

- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- 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
- the remit of the committee is explained to the complainant
- 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.

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

- 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
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Clerk (and complaints co-ordinator, if the school has one).

### Panel Member

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so  
No governor may sit on the committee if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- the aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant

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

- many complainants will feel nervous and inhibited in a formal setting

Parents/carers often feel emotional when discussing an issue that affects their child

- extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting

Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated

The committee should respect the views of the child/young person and give them equal consideration to those of adults

If the child/young person is the complainant, the committee 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 committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend

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 committee considers is not in the child/young person's best interests

- the welfare of the child/young person is paramount