

Complaints Policy	
Policy Ref:	Gen 011
Status	<b>Statutory and to be noted by all academies</b>
Purpose	
Committees	Trust Board
Other linked policies	Grievance Policy, Harassment Policy, Disciplinary Policy, Whistle Blowing Policy
Issue date	June 2023
Review Date	June 2024

### Statement of intent

**Victorious Academies Trust** aims to resolve complaints at the earliest possible stage, and where possible, informally, and is dedicated to continuing to provide the highest quality of education possible in all of its academies throughout the procedure.

This policy has been created to handle complaints relating to any aspects of the provision of facilities or services against:

- Any member of staff.
- Any academy within our trust.
- Any local governing board of our trust.
- Individual trustees or the board of trustees.
- Our trust as a whole.

It is designed to ensure that our trust's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress. This policy outlines the procedure that the complainant and academies within the trust will follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

The Headteacher/Principal and/or chair of local governing board of the relevant academy will delegate an appropriate person to be the first point of contact during the complaints procedure.

**If you become concerned in any way about your child's education, it is important that you tell us about this. As a first step you should discuss your concerns with your child's teacher. If you are still concerned you should arrange to meet a representative of the school, which might be the Principal / Headteacher/Principal. As a staff we will do all we can to resolve your concerns and to ensure you are happy with your child's education.**

**If, after discussions at the Academy, parents are still unhappy, they will need to put their complaint in writing to the Chair of the Local Governing Board.**

**Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), the school will use this complaints procedure.**

**Our academies will not investigate anonymous complaints under the procedure in this Complaints Policy. Anonymous complaints will be referred to the Principal / Headteacher/Principal who will decide what, if any, action should be taken.**

**The Complaints Form is included in this Policy and copies of the form can be obtained from the Academy office.**



## Legal framework

1. This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:
  - Freedom of Information Act 2000
  - Education Act 2002
  - Equality Act 2010
  - Part 7 of The Education (Independent School Standards) Regulations 2014
  - Immigration Act 2016
  - UK General Data Protection Regulation (UK GDPR)
  - Data Protection Act 2018
  - HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
  - ESFA (2021) 'Best practice guidance for academies complaints procedures'
  - ESFA (2022) 'Academy trust handbook 2022'
2. This policy operates in conjunction with the following Trust or school policies:
 

<ul style="list-style-type: none"> <li>• Admissions Policy</li> <li>• Child Protection and Safeguarding Policy</li> <li>• Behavioural Policy</li> <li>• Exclusion Policy</li> </ul>	<ul style="list-style-type: none"> <li>• Whistleblowing Policy</li> <li>• Grievance Policy</li> <li>• Data Protection Policy</li> <li>• Records Management Policy</li> </ul>
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## Definitions

3. For the purpose of this policy, a “**complaint**” is defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action. Complaints can be resolved formally or informally.
4. A “**concern**” is defined as ‘an expression of worry or doubt’ where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.
5. Any complaint or concern will be taken seriously, whether raised formally or informally, and the appropriate procedures will be implemented.
6. The definition of “**unreasonable complaints**” is outlined in the Managing unreasonable complaints section of this policy.
7. For the purpose of this policy, “**duplicate complaints**” are identical complaints received from a complainant’s spouse, partner or child. These complaints will not be addressed again and the individual making the second complaint will be informed that the complaint has been dealt with on a local level. If the individual is dissatisfied with the result, they can appeal to the ESFA, as outlined in The role of the ESFA section of this policy. Any new details provided by a complainant’s spouse, partner or child, however, will be investigated and managed in line with the complaints procedure.
8. For the purpose of this policy, “**complaints campaigns**” are where the trust, or an academy within the trust, receives large volumes of complaints that are all based on the same subject.
9. For the purposes of this policy, having “**independence**” from the trust and its academies is defined as having no association with the trust, including through being a member, trustee or employee, and having no clear connection with any of the trust’s academies, including through being an employee or solicitor. Independent panel members will meet the trust’s and ESFA’s definition of independence.

## Making a complaint

10. Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the trust provides. All complaints made will be handled via the procedures outlined in this policy.

11. Any parent and/or carer of a pupil in a trust school is able to make a complaint about the provision of facilities or services that the trust provides. Any complaints made by other parties may be handled via different procedures to those outlined in this policy. This includes complaints made by a third party on behalf of a parent or carer of a pupil in a trust school.
12. The trust will **not** investigate anonymous complaints.
13. Individuals making complaints about issues relating to separate statutory procedures will be referred as follows:
  - Admissions – referred to the appeals process outlined in the Admissions Policy.
  - Child protection – referred to safeguarding procedures outlined in the Child Protection and Safeguarding Policy.
  - Exclusion – referred to the procedures outlined in the Behavioural Policy and Exclusion Policy.
  - Whistleblowing – referred to the internal whistleblowing procedures outlined in the Whistleblowing Policy.
  - Staff grievances – referred to the internal grievance procedures outlined in the Grievance Policy.
  - Staff conduct – referred to the internal disciplinary procedures.
  - Third-party suppliers using school premises or facilities – referred to separate complaint's procedures. The school will ensure any third-party supplier using school premises or facilities to offer community facilities or services has its own complaints procedures in place and such complaints do not fall within the scope of this policy.
14. All other complaints will be directed towards the procedures laid out in this policy.
15. Complainants must make complaints in writing. Complaints should be made using the appropriate channels of communication, including the use of the Complaints Procedure Form.
16. Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale. The trust upholds a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will be considered in exceptional circumstances. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.
17. Complaints received outside of term time will be treated as being received on the first school day after the holiday period.
18. A complaint can progress to the next stage of the procedure even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the complaints procedure.
19. At our academies we encourage all parents and pupils to approach any member of staff in the first instance if they have a concern or complaint.
20. In the event that these initial approaches fail to resolve a complaint this policy lays out the procedures that should be followed to allay any concerns about a particular issue.
21. If you do not understand any part of this policy, please do not hesitate to contact the school (Principal / Headteacher/Principal / Deputy Headteacher/Principal / Principal or the Chair of the Local Governing Board - please contact the academy office in confidence to obtain contact details). Your complaint will then be investigated fully, ensuring all relevant facts are taken into consideration.
22. Complaints should not be raised with individual governors as they have no power to act on an individual basis.

### Complaints about trust staff or trustees

23. Complaints against staff of an academy in the trust will:
  - Be dealt with by the Headteacher/Principal of the academy.
  - Follow the complaints procedure, including a panel hearing where applicable.
24. Complaints against a Headteacher/Principal of an academy in the trust will:
  - Be dealt with by the chair of the local governing board.
  - Follow the complaints procedure, including a panel hearing where applicable.
25. Complaints against local governors or trustees will:
  - Be made in writing to the clerk, who will arrange for them to be heard.
  - Be dealt with by the chair of the local governing board or the chair of trustees, respectively.
  - Potentially involve escalation to the trust board to conduct an investigation – this will be handled by the CEO.
  - Involve a panel hearing where applicable.
26. Complaints against the chair of trustees, or an entire local governing board will:
  - Be made in writing to the clerk, who will determine the most appropriate course of action dependent on the nature of the complaint.
27. Complaints against the board of trustees will:
  - Be dealt with by the CEO.
  - Follow the complaints procedure, including a panel hearing where applicable.
28. Complaints against the CEO will:
  - Be dealt with by the chair of trustees, with a panel hearing where applicable.
29. Complaints against the trust will:
  - Be dealt with by the CEO.
  - Begin with stage two of the complaints procedure outlined in this policy, i.e. via a formal, written complaint.

### Complaints escalated to the trust

30. Where a complainant wishes to escalate their complaint to the trust, the complaint will be handled by the CEO.
31. The clerk to the board of trustees will write to the complainant to acknowledge their complaint within 15 days of receiving it. If appropriate, the CEO will investigate the complaint and provide an initial response.
32. Where the complainant is not satisfied with the outcome of the initial response, they will be prompted to write to the clerk to the board of trustees to ask for the complaint to be held before a panel, usually within 10 school days. The clerk will record the date this complaint is received and will usually respond within 10 school days. The panel hearing will be organised in accordance with stage five of the complaints procedure.
33. If a complaint is escalated beyond the panel, its resolution may involve sourcing an independent investigator to deal with the complaint. In exceptional circumstances, where it is necessary to deviate from the complaints procedure, this deviation will be appropriately documented.
34. Information about a complaint will not be disclosed to a third party without written consent from the complainant.

### Roles and responsibilities



35. The **complainant** is responsible for:
  - Cooperating with the trust, or an academy within the trust, in seeking a solution to the complaint.
  - Expressing the complaint and their concerns in full at the earliest opportunity.
  - Promptly responding to any requests for information and meetings.
  - Asking for assistance as needed.
  - Treating any person(s) involved in the complaint with respect.
36. The role of the **investigator** will differ depending on the nature of the complaint and who it is directed at.
  - For complaints against staff of academies in the trust, the investigator will be the Headteacher/Principal.
  - For complaints against Headteacher/Principals of academies in the trust, the investigator will be the chair of the local governing board.
  - For complaints against local governors, the investigator will be the chair of the local governing board.
  - For complaints against trustees, the investigator will be the chair of trustees.
  - For complaints against the chair of trustees or an entire local governing board, the clerk will appoint an appropriate person to be the investigator.
  - For complaints against the CEO, the investigator will be the chair of trustees.
37. The **investigator** of the complaint is responsible for:
  - Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
  - Considering all records, evidence and relevant information provided.
  - Interviewing all parties that are involved in the complaint, including staff and pupils.
  - Analysing all information in a comprehensive and fair manner.
  - Liaising with the complainant and clarifying an appropriate resolution to the problem.
  - Identifying and recommending solutions and courses of actions to take.
  - Being mindful of timescales and ensuring all parties involved are aware of these timescales.
  - Responding to the complainant in a clear and understandable manner.
38. Where complaints are escalated to a panel hearing, all **complaints panel members** will be aware that:
  - The review panel hearing is independent and impartial.
  - No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
  - The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
  - Reconciliation between the trust and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
  - The panel can:
    - - Dismiss or uphold the complaint, in whole or in part.
    - - Decide on appropriate action to be taken.
    - - Recommend changes that the trust can make to prevent reoccurrence of the problem.
  - Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
  - When a child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child's view is represented equally.
39. The **panel chair** will:
  - Ensure that minutes of the hearings are taken on every occasion.
  - Explain the remit of the panel to the complainant.
  - Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
  - Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.





- Conduct the hearing in a manner that ensures everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is non-adversarial, yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the trust the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

## The role of the ESFA

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

## Complaints procedure

43. This policy is implemented on a trust-wide level. The trust will ensure that the complaints procedure is:
  - Easily accessible and publicised on its website.
  - Simple to understand and put into practice.
  - Impartial and fair to all parties involved.
  - Respectful of confidentiality duties.
  - Continuously under improvement, using input from the SLTs of all individual academies within the trust.
  - Fairly investigated, by an independent person where necessary.
  - Used to address all issues to provide appropriate and effective responses where necessary.
44. The procedure will consist of five stages:
  - **Informal** – raise your concern, which will usually come in the form of a meeting.
  - **Formal** – where the complaint is put in writing by contacting the Headteacher/Principal.
  - **Contact the Chair of the Local Governing Board** - you will be invited to attend a meeting to discuss your complaint
  - **Contact the Chief Executive Officer** - you will be invited to attend a meeting to discuss your complaint and the actions taken in the previous stages.
  - **Trustee Complaints panel** – the last stage of the process.
45. At each stage, complainants will be informed of their options for escalation if they are unsatisfied with the outcome of their complaint. The appropriate person will communicate the details of the next stage of the process when delivering the outcome of the current stage, where applicable.
46. To prevent later challenge or disagreement over what was said in any in-person meetings or telephone conversations at any stage of the procedure, brief notes will be kept, and a copy of any written response will

be added to the record of the complaint. Notes and paper copies of any complaints and/or responses are kept securely on each academy's ICT system, or on the central trust ICT system where the complaint is against the trust as a whole or a member of the board of trustees.

47. The Trust can check that a complaint has been dealt with properly, if appropriate. Their officers can also help an Academy investigate and resolve complaints when needed.
48. Wherever possible at each stage feedback will be provided by the investigating officer verbally at a meeting.

### **Stage one – Raise your Concern**

49. Contact your child's teacher, either at the beginning or end of the Academy day, or by phone or via the Academy email address.
50. An informal complaint may be made in person, by telephone or in writing; however, it is preferred that initial, informal complaints are made via an in-person meeting.
51. Where a complaint is made initially to a trustee, the complainant will be referred to the appropriate person. No member of staff or trustee will act alone on a complaint outside of the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.
52. Within 10 school days of notification of the complaint, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.
53. At this initial communication stage of the complaint, the complainant will be asked for their input as to what they believe may resolve the issue about which the complaint has been made to avoid further escalation where possible.
54. If you feel the concern is more serious, you can contact the Headteacher/Principal or Deputy Headteacher/Principal via the academy office, by phone or via the Academy email address.
55. Most concerns are best resolved through conversations with the relevant member of staff.

**(Complaints may move from Stage one directly to Stage three (or any other stage) as determined by the Chief Executive Officer or the Chief Executive Officer may determine that someone other than the Principal / Headteacher deal with the complaint at Stage two)**

### **Stage two - Contact the Principal / Headteacher/Principal**

56. If your concern has not been resolved at Stage 1, and you wish to take it further, the next step is to write to the Principal / Headteacher making it clear that you want the letter to be treated as a complaint. The Principal / Headteacher will either reply in writing within 10 working days of receiving your letter, or let you know that more time is needed to investigate the issue properly.
57. The Principal / Headteacher will automatically let the Local Governing Board know that a complaint has been made, and what action has been taken as a result. Your name will not be given to the Local Governing Board at this stage.
58. Stage two of the process will normally be completed within 15 school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the person managing the complaint will contact the complainant to inform them of the revised target date via a written notification.
59. Where the appropriate person has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence.

and a conclusion will be reached in the interests of drawing the complaint to a close.

60. In terms of a complaint being made against a member of staff, the Headteacher/Principal will discuss the issue with the staff member in question. Where necessary, the Headteacher/Principal will conduct interviews with any relevant parties, including witnesses and pupils, and take statements from those involved. All discussions shall be recorded by the Headteacher/Principal, and findings and resolutions will be communicated to the complainant either verbally or in writing.
61. Once all facts are established, the person handling the complaint shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (e.g., escalation to stage three) and will be provided with details of this process.
62. If the concern is about the Principal / Headteacher, but it has not been resolved at Stage one, you can write to the Chair of the Local Governing Board instead (see Stage three).

### **Stage three – Contact the Chair of the Local Governing Board**

63. If you are not satisfied with the action taken from Stages 1 or 2, you can contact the Chair of the Local Governing Board.
64. To resolve your concern, the Chair will normally ask you to attend a meeting with the Chair and the Principal / Headteacher in attendance. The Chair will be an impartial chair of the meeting, and will not favour one side over the other, but will listen to what both of you have to say. If you are not willing to attend this meeting, your complaint will not be taken any further. No one else can attend this meeting with you or the Principal / Headteacher, and no one else can take your place or the Principal / Headteacher's place.
65. After the meeting, the Chair of the Local Governing Board will write to you within ten working days with a response to the matter, or let you know that more time is needed to investigate the issue properly. The Principal / Headteacher will be given a copy of this letter.
66. If the Chair of the Local Governing Board cannot find a way of resolving your complaint to your satisfaction, and the Principal / Headteacher's satisfaction, he/she will have to make a judgement between your case and the Principal / Headteacher's case.

### **Stage four – Contact the Chief Executive Officer**

67. If you are not satisfied with the action taken from Stages 1, 2 or 3, you can contact the Chief Executive Officer via the [info@victoriousacademies.org](mailto:info@victoriousacademies.org) e-mail address.
68. To resolve your concern, the Chief Executive Officer will consider all actions taken in steps 1, 2 and 3. The Chief Executive Officer will normally ask you to attend a meeting with all parties in attendance. The Chief Executive Officer will be an impartial chair of the meeting, and will not favour one side over the other, but will listen to what all parties have to say. If you are not willing to attend this meeting, your complaint will not be taken any further. No one else can attend this meeting with you and no one else can take your place or the Principal / Headteacher's place.
69. After the meeting, the Chief Executive Officer will write to you within ten working days with a response to the matter, or let you know that more time is needed to investigate the issue properly. All parties involved will be given a copy of this letter.
70. If the Chief Executive Officer cannot find a way of resolving your complaint to all parties' satisfaction, they will have to make a judgement on the case.

### **Stage five – Request a Trustee Complaints Panel**



71. If you are not satisfied with the action taken at Stage 4, you might be able to request a Trustee Complaints Panel. However, this can only happen if the Trustees on the Complaints Panel might be able to do something more than has already been done.
72. This Complaints Panel is the last Academy based stage of the complaints process. Individual complaints would not be heard by the whole Trust Board at any stage as this would compromise the impartiality of any panel set up for any later discussions.
73. It is important that the appeal hearing is independent and impartial and that it is seen to be so. No Trustee may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it. In deciding the make-up of the panel, Trustees need to try and ensure that it is a cross-section of the categories of Trustee and sensitive to the issues of race, gender and religious affiliation.
74. The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the academy and the complainant. The panel chair will ensure that the proceedings are as welcoming as possible. Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.
75. The chair of the panel needs to ensure that the complainant is notified in writing of the panel's decision, with the panel's response; this is usually within a set deadline agreed at the hearing. The letter needs to explain if there are any further rights of appeal and, if so, to whom they need to be addressed.
76. If you wish to request a panel hearing, you should write to the Clerk to the Trust Board. If it is unclear whether the Trustees are able to do something more than has already been done, you will be asked to explain how you think a Trustee Complaints Panel could resolve your complaint.
77. The clerk will record the date the escalation request was received, acknowledge receipt of the complaint, and inform the complainant of the scheduled time and date of the panel hearing in writing. The meeting will be convened within 15 days of the receipt of the escalation request where possible. Where this is not possible, the clerk will provide an anticipated date and ensure the complainant is kept up-to-date.
78. If a complaints panel is the right course of action, a panel will be asked to meet, normally within fifteen working days of you contacting the Clerk, depending on everyone's availability. The panel will consist of two Trustees who have no previous knowledge or experience of the complaint and one person who is independent of the management and running of the school. When you meet, both you and the Principal / Headteacher can bring along a supporting person such as a friend or professional representative. However, the supporting person cannot speak on your behalf, unless invited to do so by the Panel Chair. No witnesses can be called to attend this meeting.
79. Prior to the hearing, the clerk will have written to the complainant informing them of how the review will be conducted. The Headteacher/Principal of the academy in question, the chair of governors and the chair of trustees will also have a copy of this letter.
80. The meeting will allow you to present your case, and the Principal / Headteacher can ask you questions. After that the Principal / Headteacher will be asked to make their case, and you can ask him / her questions. The Chair of the Local Governing Board might also attend if his/her account of Stage 3 is likely to be valuable to the meeting. He/she can also ask questions, and you can ask him/her questions too.

81. At the hearing, all participants will be given the opportunity to put their case across and discuss any issues. The meeting will allow for:
  - The complainant to be present and accompanied at the hearing if they wish.
  - The complainant to explain their complaint and the individual handling the complaint to explain the reasons for their decision.
  - The complainant to question the individual handling the complaint, and vice versa, about the complaint.
  - Any evidence, including witnesses who have been prior approved by the chair of the panel, to be questioned.
  - Members of the panel to question both the complainant and the individual about whom the complaint was made.
  - Final statements to be made by both parties involved.
82. Neither the complainant nor the trust will bring legal representation to this hearing, unless in exceptional circumstances, where this will be agreed beforehand. A member of staff who may be a witness to the complaint can bring a union representative or legal representative if desired; this will be agreed before the hearing.
83. The purpose of the hearing will be reconciliation and ensuring that things that may have gone wrong are corrected.
84. After the meeting, the Trustees will come to a decision. They will write to you, normally within fifteen working days of the meeting, to let you know what that decision is. This is usually the last stage of a complaint that has not already been resolved in the earlier stages. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.
85. The panel will make findings and recommendations, and a copy of those findings and recommendations will be made available for inspection on the academy premises by the board of trustees and the Headteacher/Principal.
86. Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

#### **Complaints to the ESFA**

87. If a complainant has exhausted the trust's complaints procedure, they will be advised that they can submit a complaint to the ESFA via [www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure](http://www.gov.uk/government/organisations/education-and-skills-funding-agency/about/complaints-procedure), or by writing to Complaints Team, Education and Skills Funding Agency, Cheylesmore House, Coventry, Quinton Road, Coventry, CV1 2WT

#### **Resolving complaints**

88. At each stage of the complaint's procedure, the trust is committed to resolving the complaint. Where appropriate, the trust will acknowledge that the complaint is upheld in whole or in part, and may offer one of the following:
  - An explanation
  - An admission that the situation could have been handled better
  - An assurance that the trust will try and ensure the incident will not occur again
  - An outline of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which changes will be made
  - An undertaking to review trust policies in light of the complaint
  - An apology

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

89. Where a complainant wishes to withdraw their complaint, the trust will ask them to confirm this in writing. Despite the complaint having been withdrawn, the trust and academy will still take the complainant's voice seriously and attempt to avoid causing similar distress to others in the future. The trust and academy will not under any circumstances ask, or pressure an individual, to withdraw a complaint.

### Record keeping

90. A written record will be kept of all complaints that are made, regardless of the stage at which they are resolved, including any action taken by the trust as a result of those complaints whether they are upheld or not.
91. All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or an inspectorate requests access to them.
92. Academies are data controllers in their own right and must decide for themselves how long to keep records, unless statutory regulations apply, e.g. attendance records must be kept for 3 years. The trust will retain records of complaints and related documents in line with the Data Protection Policy and Records Management Policy. Personal data will only be kept for as long as necessary.

### Interviewing witnesses

93. When interviewing pupils to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
94. The trust will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO) or police investigation.
95. The trust understands the importance of ensuring a friendly and relaxed area which is free from intimidation. Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee. The interviewee will sign a copy of the transcription of the interview.

### Recording a complaint

96. A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:
- The main issues raised, the findings and any recommendations.
  - Whether the complaint was resolved following an informal route, formal route or panel hearing.
  - Actions taken by the trust as a result of the complaint (regardless of whether the complaint was upheld).
97. All records are made available for inspection on the academy premises by the trust.
98. The trust holds the right to use recording devices, where appropriate, to ensure all parties involved are able to review the discussions at a later date. Where there are communication difficulties or disabilities, the trust may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.
99. Recording devices will not be used without the prior consent of all parties.
100. The trust will not accept as evidence any recordings that were obtained covertly and without the informed consent of all parties being recorded.

101. Details of any complaint made shall not be shared with the entire board of trustees. The exception to this is when a complaint is made against the whole board and they need to be aware of the allegations made against them to respond to any independent investigation.
102. Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000. The trust will hold all records of complaints from each academy, as well as those regarding the trust itself, centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

#### Exceptional circumstances

103. The ESFA expects complainants to have completed the trust's complaints procedure before directing a complaint to them. The exceptions to this include when:
  - Pupils are at risk of harm.
  - Pupils are missing education.
  - A complainant is being prevented from having their complaint progressed through the trust's complaints procedure.
  - The ESFA has evidence that the trust is proposing to act or is acting unlawfully or unreasonably.
104. If a social services authority decides to investigate a situation, the board of trustees may postpone the complaints procedure.

#### Managing unreasonable complaints

105. The trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The trust will not normally limit the contact complainants have with the trust itself or any of its academies; however, the trust does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.
106. For the purposes of this policy, "**unreasonable complaints**" include:
  - Vexatious complaints, which:
    - - Are obsessive, persistent, harassing, prolific, or repetitious.
    - - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
    - - Insist upon pursuing meritorious complaints in an unreasonable manner.
    - - Are designed to cause disruption or annoyance.
    - - Demand for redress which lacks any serious purpose or value.
  - Serial or persistent complaints, which:
    - - Are duplicated, sent by the same complainant once the initial complaint has been closed.
    - - Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.
107. A complaint may also be regarded as **unreasonable** when the complainant:
  - Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
  - Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
  - Refuses to accept that certain issues are not within the scope of a complaint's procedure.
  - Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
  - Introduces trivial or irrelevant information which they expect to be taken into account and commented on, or raises large numbers of detailed but unimportant questions and insists they are fully answered, often immediately and to their own timescales.



- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
  - Changes the basis of the complaint as the investigation proceeds.
  - Repeatedly makes the same complaint despite previous investigations or responses concluding that the complaint is groundless or has been addressed.
  - Refuses to accept the findings of the investigation into that complaint where the trust's complaints procedure has been fully and properly implemented and completed, including referral to the ESFA.
  - Seeks an unrealistic outcome.
  - Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
108. A complaint may also be considered unreasonable if the complainant:
- Acts maliciously or aggressively.
  - Uses threats, intimidation or violence.
  - Uses abusive, offensive or discriminatory language.
  - Knows the complaint to be false.
  - Uses falsified information.
  - Publishes unacceptable information in media such as social media websites and newspapers.
109. The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically.
110. Complainants should limit the number of communications with the trust while a complaint is being progressed. It is not helpful if repeated correspondence is sent, either by letter, phone, email or text, as it could delay the outcome being reached.
111. Whenever possible, the member of staff, local governor or trustee leading the response to a complaint will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
112. **Serial or persistent complaints** will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial', meaning the complainant can complain about a separate issue if necessary.
113. If the behaviour continues, the individual handling the complaint will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the trust or any of its academies causing a significant level of disruption, the trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.
114. A decision to stop responding will only be considered in circumstances where the following statements are true:
- Every reasonable step has been taken to address the complainant's concerns
  - The complainant has been given a clear statement of the trust's position and their options
  - The complainant contacts the trust or any of its academies repeatedly, making substantially the same points each time
115. If the above criteria are met, in making a decision to stop responding, the trust will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, or if the trust believes their intent is to disrupt or inconvenience the trust or its academies.



116. The trust will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.
117. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

#### Complaints campaigns

118. Where the trust becomes the subject of a complaints campaign from complainants who are not connected with the trust, a standard, single response will be published on the trust's website.
119. If the trust receives a large number of complaints about the same subject from complainants who are connected to the trust, e.g. parents, each complainant will receive an individual response.
120. If complainants remain dissatisfied with the trust's response, they will be directed to the ESFA.

#### Barring from the premises

121. School premises are private property and therefore any individual may be barred from entering the premises.
122. If an individual's behaviour is cause for concern, the Headteacher/Principal of the relevant academy will ask the individual to leave the premises.
123. The Headteacher/Principal will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.
124. This decision to bar will be reviewed by the chair of the local governing board, or the chair of trustees where escalated, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.
125. Anyone wishing to make a complaint regarding a barring order can do so in writing, including via email, to the Headteacher/Principal or chair of governors.

#### Standard of fluency complaints

126. As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach pupils.
127. The trust is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.
128. The trust will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff.
129. If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the complaints procedure outlined in this policy.
130. For the purpose of this policy, a "legitimate complaint" is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication

are not considered legitimate complaints. All legitimate complaints regarding the fluency duty will be handled in line with the processes detailed in this policy.

131. In addition to the processes outlined in this policy, the trust will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question.
132. To assess the merits, the academy at which the staff member works will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.
133. If the complaint is upheld, the trust will consider what action is necessary to meet the fluency duty; this may include:
  - Specific training
  - Specific re-training
  - Assessment
  - Re-deployment
  - Dismissal
134. Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.
135. Records of complaints regarding fluency will be kept in accordance with the processes outlined in the Recording a complaint section of this policy.

#### Transferring data

136. When a pupil changes school, the pupil's educational record will be transferred to the new school and no copies will be kept.
137. The trust will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.
138. Information that the trust retains relating to a complaint will be stored securely and in line with its Records Management Policy.

#### Availability

139. A copy of this policy will be made available on request. It will also be published on the trust website, with links to the policy on individual academies within the trust websites, as recommended by the ESFA.

#### Monitoring and review

140. The complaints procedure will be reviewed annually by the **Chief Executive Officer** and **Trust Board**, taking into account any legislative changes and the latest guidance issued by the DfE or ESFA.
141. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.
142. The monitoring and reviewing of complaints will be used to help evaluate each academy's performance, and the performance of the trust as a whole.

## Appendix A: Meeting Request and Complaints Forms

**If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Headteacher/Principal. (If your complaint is against the Headteacher/Principal, you will need to send the form to the chair of the local governing board.)**

Please complete and return to the Principal / Headteacher / Deputy Headteacher / Deputy Principal / Chair of the Local Governing Board who will acknowledge receipt and explain what action will be taken.

### Guidance in completing the form:

You should include details which might assist the investigation, such as names of potential witnesses, dates and times of events, and copies of relevant documents.

It is very important that you include a clear statement of the actions that you would like the Academy to take to resolve your concern. Without this, it is much more difficult to proceed.

Please pass the completed form, in a sealed envelope to the Academy office. The envelope should be addressed to the Principal / Headteacher/Principal / Deputy Headteacher/Principal, or to the Clerk to the Local Governing Board, as appropriate.

Complainants should wherever possible:

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

The Principal / Headteacher (or Chair) may invite you to a meeting to clarify your concerns and to explore the possibility of an informal resolution. If you accept that invitation, you may be accompanied by a friend, if you wish, to assist you in explaining the nature of your concerns.

It is possible that your complaint will be resolved through a meeting with the Principal / Headteacher (or Chair).

If not, arrangements will be made for the matter to be fully investigated, using the appropriate procedure. In any case you should learn in writing, usually within five days of the Academy receiving your formal complaint, of how the Academy intends to proceed. This notification should include an indication of the anticipated timescale.

Investigators will, wherever possible:

- 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; and
- Prepare a comprehensive report for the Headteacher/Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems.

Any investigation will begin as soon as possible and when it has been concluded, you will be informed in writing of its conclusion.

If you are not satisfied with the manner in which the process has been followed, you may request that the Local Governing Board reviews the process followed by the Academy, in handling the complaint. Any such request must be made in writing to the Clerk to the Local Governing Board, within 10 school days of receiving notice of the outcome, and include a statement specifying any perceived failures to follow the procedure.

Where appropriate the Clerk to the governing body will:



- 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 meetings, 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 one paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale;
- Record any proceedings;
- Circulate the minutes of any meetings; and
- Notify all parties of the committee's decision.

Where appropriate the Committee chair will:

- That both parties are asked (via the clerk) to provide any additional information relating to the complaint by a specified date in advance of a meeting;
- Meetings are conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy;
- That complainants, who may not be used to speaking at such a meeting, are put at ease;
- The remit of the committee is explained to the complainant;
- That the 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 allow everyone to consider and comment on it; this may require a short adjournment of the meeting;
- That both the complainant and the school are allowed to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself;
- That the issues are addressed;
- That key findings of fact are made;
- That the committee is open-minded and acts independently;
- That 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;
- That meetings are minuted; and
- That they liaise with the clerk.

Where appropriate Committee members will be made aware of the following:

- Meetings will be independent and impartial, and should be seen to be so. No Governor may sit on a committee if they have had prior involvement in the complaint or circumstances surrounding it;
- The aim of meetings 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 if a child/young person is present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that any child/young person present does not feel intimidated. A committee should respect the views of the child/young person and give them equal consideration to those of adults. Where the child/young person's parent is the complainant, a committee should allow the parent 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; and
- The welfare of the child/young person is paramount.


**Trust Meeting Request Form**
*Please complete the form and return it to the Academy office*

I wish to meet with the following teacher:

Insert name:

I wish to discuss the following matter:

Brief details of topic to be discussed:

Insert dates / times when it would be most convenient for a meeting:

Your name:

Your relationship to the Academy:

Pupils name if relevant:

Your address:

Postcode:

 Day time and evening telephone  
numbers:

E-mail address:

Signature:

Date:

**Academy Use only:**

Date form received:

Date response sent:

Received by:

Response sent by:



**Trust Complaints Form**

*Please complete the form and return it to the Academy office – the Academy leader will acknowledge receipt of the form and inform you of the next stage in the procedure*

Your name:	
Relationship with the Academy (ie a parent of a pupil on the Academy roll):	
Pupil's name (if relevant to your complaint):	
Your address:	
Day time and evening telephone numbers:	
E-mail address:	
Please give details of your complaint, including dates, names of witnesses, etc) to allow the matter to be fully investigated:	(please attach additional sheets if necessary)
What action, if any, have you already taken to try and resolve your complaint (ie who have you spoken with or written to and what was the outcome).	(please attach additional sheets if necessary)
What actions do you feel might resolve the problem at this stage?	(please attach additional sheets if necessary)
Are you attaching any paperwork? If so, please give details.	
Signature:	
Date:	

**Academy Use only:**

Date form received:	Date acknowledgement sent:
Received by:	Acknowledgement sent by:
Complaint referred to:	Date:
Complaint referred to:	Date:
Complaint referred to:	Date:


**Trust Complaint Review Request Form**

*Please complete the form and return it to the Academy office – the Academy leader will acknowledge receipt of the form and inform you of the next stage in the procedure*

Your name:	
Relationship with the Academy (ie a parent of a pupil on the Academy roll):	
Pupil's name (if relevant to your complaint):	
Your address:	
Day time and evening telephone numbers:	
E-mail address:	

To whom it may concern,

I submitted a formal complaint to the Academy on (insert date) and I am dissatisfied by the procedure that has been followed.

My complaint was submitted to (insert name) and I received a response from (insert name) on (insert date).

I have attached copies of my formal complaint and of the response(s) from the Academy.

I am dissatisfied with the way in which the procedure was carried out, because:

*You may continue on separate paper or attach additional documents if you wish.*

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

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

<b>Academy Use only:</b>	
Date form received:	Date acknowledgement sent:
Received by:	Acknowledgement sent by:
Request referred to:	Date:
Request referred to:	Date:
Request referred to:	Date: