



# Complaints Procedure

This Policy has been adopted and approved by Oxlip Learning Partnership and is to be used by all members of the Trust.

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## 1. Introduction

All Academies within the Trust are committed to providing the best education for our young people and wants our students to be healthy, happy and safe and to do well. We recognise the importance of establishing and maintaining good relationships with parents and the wider community. We are aware that there may be occasions where people have concerns or complaints, and the following procedure sets out the stages that should be followed in order to resolve these as quickly and informally as possible.

It is expected that all complaints will be referred to the Academy in the first instance. A flowchart to demonstrate the procedures is included in this policy. Each Academy must keep a record of the following:

- A written record must be kept of every complaint that reaches the formal investigation point at stage 2. The Trust must also be made aware of the complaint at this point using the complaints form.
- A written record is kept of actions taken by the school for each appropriate step as a result of any complaints which are raised with the Academy that reaches stage 2 formal and beyond.
- Any correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

This policy only fully applies to parents of registered pupils at Trust academies. If complaints are raised by persons other than parents, they will be dealt with under stages 1 and 2 of the formal policy.

This document explains that procedure, and the stages which should be referred to and followed by all pupils and their parents whenever an issue arises that causes them concern. If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly, given an explanation and provided with revised timescales.

**This document does not apply to complaints where there is another route available to make representations or appeal. This includes:**

- pupil admissions.
- pupil suspensions and permanent exclusions.
- statutory assessments of special educational needs and education health and care plans.
- appeals relating to internal assessment decisions for external qualifications.
- disciplinary issues relating to members of staff.
- matters likely to require a child protection investigation.
- national curriculum content.
- complaints about services provided by other providers who may use school premises or facilities.
- school re-organisation proposals.
- staff grievances and disciplinary matters.
- Whistleblowing.

Each of these follows its own process of complaints and appeals which are outlined in their relevant policies.

If there is an allegation or concern about physical or sexual misconduct towards a child, or there is a belief that a child may be at risk of serious harm, the school may immediately refer the case to child protection and welfare services. If it is decided that there is cause for an official investigation, the decisions by these authorities will supersede those made by the school as outlined in this document. Where the complaint relates to a safeguarding referral made by a member of staff at the school, any consideration of that complaint by the school will be limited to a review of the reasonableness of the decision to make the referral in light of the evidence available to the member of staff at that time and in light of the school's safeguarding policies.

For more information on our Trust's provision for protecting our pupils, read our Safeguarding Policy.

Concerns or complaints must be brought to the Trust's attention within 3 months to enable a proper investigation to take place. Any matter raised more than 3 months after the issue being complained of (or, where a series of associated issues have occurred, after 3 months of the last of these issues) will not be considered unless the Chief Executive Officer decides that there are exceptional circumstances relevant to the delay in bringing the complaint to the attention of the school.

Anonymous complaints will not be examined under this policy.

Complainants are encouraged to follow through each stage of the procedure, as appropriate, in order to resolve their concerns.

If Local Board members are approached regarding a complaint, they should be mindful not to act outside the formal procedure, become involved or have discussions with other Local Board

members at the early stages in case they are needed to sit on a panel at a later stage of the procedure. Individual complaints will not be heard by the whole Local Board at any stage, as this could compromise the impartiality of any panel set up to consider further action in the event that a serious complaint is substantiated.

The person(s) subject to any complaint, will be notified of the nature of the complaint (if appropriate) and any resolutions at the appropriate stages of the process prior to a formal hearing.

## 1.1 Legislation

This document meets the requirements set out in part 7 of the schedule to the [Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school. This policy only fully applies to parents of registered pupils at Trust academies. If complaints are raised by persons other than parents, they will be dealt with under stages 1 and 2 of the formal policy.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## 1.2 Definitions

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”. If the form in Appendix B has not been completed, then the matter will be treated as concern. It can only be dealt with at stage 1, i.e. informal only.
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”. All complaints must be communicated to the trust using the form in Appendix B.
- A **‘meeting’** means an in person or virtual meeting (ie telephone or video conference where all parties can participate verbally), virtual meetings will only be held in the event that all parties have access to appropriate equipment to attend and are happy to do so. If the parties are unable to meet virtually and the meeting must take place in person, the meeting may be postponed at the discretion of the trust.
- **‘School days’** excludes weekends and academy holidays and periods of partial or total academy closure;
- **‘Trust’** means the Oxlip Learning Partnership.

### Definition of a Parent

- All biological parents, whether they are married or not.
- Any person who, although not a biological parent, has parental responsibility for a child or young person - this could be an adoptive parent, a step-parent, guardian or other relative
- Any person who, although not a biological parent and does not have parental responsibility, has care of a child or young person.

A person typically has care of a child or young person if they are the person with whom the child lives, either full or part time and who looks after the child, irrespective of what their biological or legal relationship is with the child.

### **1.3 Aims**

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 and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

### **1.4 How to raise a concern or make a complaint**

A concern should be made in writing ideally using the form in Appendix B. They may also be made by a mutually agreed third party acting on behalf of a complainant, as long as they have appropriate written consent to do so.

A form is provided in Appendix B for you to use if you are pursuing a complaint to stage 2. If you require help in completing the form or submitting your concern or complaint in any way, please contact the relevant school.

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

Complainants who wish to withdraw their complaint are asked to confirm this in writing.

## 2. Complaint Resolution through this Procedure

### STAGE 1 Informal

Please start by telling the class teacher, a member of the middle leadership team or a senior leader about your concern. If your concern relates to safeguarding, then this matter should be raised directly with a senior leader. The flow chart (Appendix F) details the most appropriate person to deal initially with the complaint. This informal process is usually the best and quickest way of resolving issues:

- It is recommended that you make an appointment to speak to the relevant person as soon as possible as this will give both parties the opportunity to talk about the issue in an appropriate manner and without being interrupted.
- It is important to recognise that schools are busy organisations, and it may not be possible to offer an appointment straightaway.
- The purpose of this meeting should be to establish the nature of the concern and to seek a realistic resolution to the problem.
- It is recommended that the member of staff makes a personal note of the complaint for future reference and informs the appropriate person of the issues raised with them.

**For any of the complaints below please use the email addresses in Appendix 3 at the end of this policy.**

**If your complaint is about a volunteer in the Academy,** you must immediately raise this concern directly with the headteacher/principal.

**If your complaint is about a member of staff,** you should first raise this with the headteacher/principal or their representative either in person or in writing. If it is a minor issue, then this should be raised first with the Leader of Learning or the Phase Leader. If it is a major issue, then the headteacher/principal or their representative will determine who best to deal with the matter. If needed, please seek the advice from the Leader of Learning or the Phase Leader.

**If your complaint is about the headteacher/principal,** you should raise your concern in writing with the CEO.

**If your complaint is about a Local Board member,** you should raise your concern in writing with the Governance professional.

**If your complaint is about the CEO of the multi-academy trust,** you should raise your complaint with the Chair of the Trust Board. You will be advised how the complaint will be handled at this point.

**If your complaint is about the Trust Board,** you should raise your complaint with the governance professional to the Board who will advise on how your complaint will be handled.

**All such complaints should have been resolved or moved on to stage 2 after a period of 15 school Days.**

## **STAGE 2 Formal**

If you feel that the issue you have raised has not been resolved through the informal process and you wish to pursue it further, you may raise it through the formal procedure this should be done within 15 school days of the completion of stage 1. The letter should be addressed to the most appropriate person as identified in the flow chart.

To do this you are requested to write a formal letter of complaint and you may find it useful to use the complaint form provided in Appendix B. If you need assistance to write your letter, then this can be provided. Your letter should set out clearly the concern which has previously been discussed and why you feel that the issue is unresolved. It is also helpful if you can set out in your letter what resolution you are seeking.

### **Stage 2: Complaint against an academy**

A decision to move to the formal complaints procedure should not be taken lightly. In consideration of future home/school relationships, everyone concerned will need to concentrate on finding a resolution to the issue and negotiate an agreement as to how this can best be achieved. To achieve this aim there will be two sub-stages, informal and then formal. The person hearing this first sub-stage must make a brief written record of the concern raised and any actions agreed.

Therefore, initially complainants will be offered, an informal meeting with the principal, member(s) of the Senior Leadership Team or another appointed appropriate representative to discuss their complaint. They will be offered this within 10 school days of the stage 2 complaint being received and sooner if possible. It may still be appropriate for this mediation process to reach an informal resolution at this point.

If this fails to resolve the complaint, then the principal or a senior leader will appoint somebody to carry out an investigation. The investigation officer will be an appropriate person with the skills to fully investigate the complaint. From this point onwards the complaint must be updated on the Trust complaints log.

The investigating officer will interview witnesses and take statements from those involved. An opportunity will be given for the complainant to meet the investigating officer to provide any supplementary information. The complainant may be accompanied by a friend or relative as a representative. This however is subject to the approval of the CEO. If the complaint centres around a student, the student will also be interviewed, normally with the parents present. If a member of staff is complained against, the needs of that person should be borne in mind.

The investigating officer will keep written records of meetings, telephone conversations and other documentation.

The investigating officer will report to the principal who will send a formal written response detailing the actions taken to investigate the complaint and providing a full explanation of the decision made and the reason for it including recommendations (if necessary) to the complainant within 30 school days of your letter. Where appropriate it will include details of actions the academy will take to resolve the complaint. Template letters and forms are available in the toolkit.

If the principal or the senior leader is unable to meet this deadline, they will provide the complainant with an update and revised response date.

Where the complainant is unhappy about the decision the principal has made, this does not become a complaint about the principal.

The complainant will be advised that, should they wish to take the complaint further, they should contact the governance professional within 10 school days of receiving the outcome letter.

### **Stage 2: Complaints about the headteacher/principal**

If a complainant is unhappy with the conduct of the headteacher/principal or the head of school, they will be offered, an informal meeting with the CEO to discuss their complaint. This to try and reach an

agreement as soon as possible. They will be offered this within 10 school days of the stage 2 complaint being received and sooner if possible. It may be appropriate for this mediation process to reach an informal resolution at this point.

However, if mediation fails to resolve the complaint, a formal written complaint should be provided to the CEO you may find it useful to use the complaint form in Appendix B of this policy. The CEO will record the date the complaint is received and will acknowledge the complaint orally or in writing within 5 school days of its receipt. The CEO will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see.

The CEO will appoint somebody to carry out an investigation. The investigation officer will be an appropriate person who has the necessary skills to deal with a particular type of complaint. The Trust complaints log must be updated as from this point onwards.

The investigating officer will interview witnesses and take statements from those involved. An opportunity will be given for the complainant to meet the investigating officer to provide any supplementary information. The complainant may be accompanied by a friend or relative as a representative, subject to the approval of the CEO.

The investigating officer will keep written records of meetings, telephone conversations and other documentation.

The investigating officer will report to the CEO who will send a formal written response detailing the actions taken to investigate the complaint and provide a full explanation of the decision made and the reason for it including recommendations (if necessary) to the complainant within 30 school days of the initial acknowledgement. Where appropriate it will include details of actions the academy will take to resolve the complaint.

If the CEO is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The complainant will be advised that, should they wish to take the complaint further, they should contact the governance professional within 10 school days of receiving the outcome letter.

## **Stage 2: Complaints about the Trust**

If the complaint concerns the trust, the complaint must be made to the CEO of the trust who will carry out an investigation. The Trust complaints log must be updated.

You may find it useful to use the complaint form in Appendix B of this policy. The CEO will write to the complainant acknowledging the complaint within 3 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within 30 school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the complainant within 10 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the governance professional asking for the complaint to be heard before a complaint panel within 10 school days.

## **Stage 2: Complaints about the Chief Executive Officer (CEO)**

If the complaint concerns the Chief Executive Officer the complaint should be investigated by the chair of the trust board.

You may find it useful to use the complaint form in Appendix B of this policy. The chair of trust will write to the complainant acknowledging the complaint within 3 school days of the date that the written request



was received. The acknowledgement will confirm that the complaint will now be investigated under stage 2 of this complaints policy and will confirm the date for providing a response to the complainant. The Trust complaints log must be updated as from this point onwards.

The chair of the trust board will appoint somebody to carry out an investigation. The investigation officer will be someone independent of the academy and someone who has the necessary skills to deal with a particular type of complaint.

Following the investigation, the chair of trustees will write to the complainant confirming the outcome within 30 school days of the date that the letter was received. If this time limit cannot be met, the chair of trustees will write to the complainant within 10 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

Where the chair of the trust board has investigated the complaint, they will write the letter of outcome to the complainant. If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the governance professional asking for the complaint to be heard before a complaint panel within 10 school days.

## **Stage 2            Concerns or complaints specifically about the Local Board, an individual member or the Chair of the Local Board**

A complaint that is specifically about the conduct of an individual Local Board member, and which has not been resolved at the informal stage, should be made in writing to the Chair of the Local Board.

A complaint about the conduct of the Chair of the Local Board, and which has not been resolved at the informal stage, should be made in writing to the Chair of the Trustees. In both of these instances the Trust complaints log should be updated.

Contact details can be obtained from the schools. In both instances, the most up to date guidance suggested by the National Governors Association (NGA) will be followed. A copy of the guidance will be made available upon request to the Academy concerned.

## **Stage 2:            Complaints about Chair of the Trust or an individual Trustee**

If the complaint concerns the Chair of trustees, the complainant will be referred to the Trusts governance professional. If, however, the complaint includes the Chair and a majority of the trust board then the complaint will be referred to the Chief Executive Officer. The form in Appendix B can be used to facilitate this process. In all such instances the Trust complaints log should be updated.

The Trust's governance professional/ chief executive will write to the complainant acknowledging the complaint within 3 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under stage 2 of this complaints policy and will confirm the date for providing a response to the complainant.

The Trust's governance professional / chief executive will appoint somebody to carry out an investigation. The investigation officer will be someone independent of the academy who has the necessary skills to deal with a particular type of complaint.

Following the investigation, the Trust's governance professional / chief executive will write to the complainant confirming the outcome within 30 school days of the date that the letter was received. If this time limit cannot be met, the vice chair / chief executive will write to the complainant within 10 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complainant is not satisfied with the outcome of the previous stage, the complainant should write to the Trust's governance professional asking for the complaint to be heard before a complaint panel within 10 school days.

### Stage 3      Review by complaint panel

If the complainant is dissatisfied with the outcome of stage 2 and wishes to take the matter further, they can escalate the complaint to stage 3 where the complaint will be heard by a complaint panel consisting of at least three people who were not directly involved in the matters detailed in the complaint. One panel member will be independent of the management and running of the academy.

The request to escalate to stage 3 must be made to the governance professional (refer to the contact details in Appendix C) within 10 school days of receipt of the stage 2 response. The governance officer will record the date the complaint is received and acknowledge receipt of the complaint in writing within 3 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply. **The stage 3 process will be completed within 55 school days of this recorded date.**

The governance professional will invite the Academy to put in writing its response to the Step 3 complaint within **15** school days of receiving the request. Whether or not the Academy has responded the governance professional will convene a meeting of the Complaints Panel. That meeting will be held on Academy premises as quickly as practicable given the need to find a date that is reasonably convenient for the parent, the Academy and the members of the Complaints Panel. Whenever possible, the meeting will be held within 30 school days of the end of the Academy's response time. The meeting date, time and location will be confirmed to all parties at least 10 school days in advance.

The panel meeting is not a court case, it will be held in private, and will be as informal as circumstances allow. For this reason, electronic recordings of meetings or conversations are not permitted unless a parent's disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of the meeting takes place. Consent will be recorded in any minutes taken. The parent will have the opportunity to put her/his reasons for dissatisfaction and to enlarge on them but may not introduce reasons that were not previously put in writing. The Complaints Panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

#### The complaint panel hearing

The aim of the panel hearing will be to resolve the complaint and achieve a reconciliation between the academy /trust and the complainant. However, it has to be recognised that it may only be possible to establish facts and make recommendations which will satisfy the complainant. The hearing proceedings will be as informal as possible.

The complaint panel will 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 records 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 the minutes.

The Complaints Panel may include, but is not limited to, one or more persons from the following categories:

- (i) a member of the Local Board of the Academy where the complaint emanated from.
- (ii) a member of a Local Board from another Academy within the Trust.
- (iii) a member of the Board of Trustees from the Trust; and/or
- (iv) a member of a Local Board or Trustee of another Academy Trust.

The independent panel member may be a member of a Local Board from another Academy within the Trust as long as they have no conflict and no prior knowledge of the complaint.

## Who can attend

For complaints about the academy those who can attend are:

- the complainant and be accompanied by a friend or relative, subject to Trust approval.
- the investigation officer.
- the headteacher/principal and/or vice principal/head of school.

For complaints about the principal those who can attend are:

- the complainant and be accompanied by a friend or relative, subject to Trust approval.
- the CEO
- the investigation officer.

The principal will be invited to the panel hearing. Involvement of other staff is subject to the discretion of the chair of the complaint panel.

For complaints about the trust those who can attend are:

- The complainant and be accompanied by a friend or relative, subject to Trust approval. See below re legal representation.
- the investigation officer.
- the chief executive officer.

For complaints about the chief executive those who can attend are:

- The complainant and be accompanied by a friend or relative subject to Trust approval. See below re legal representation.
- the chair of trustees.
- The chief executive may be invited to the panel hearing. Involvement of other staff is subject to the discretion of the chair of the complaint panel.

For complaints about the chair of trustees or trustees those who can attend are:

- The complainant and be accompanied by a friend or relative subject to Trust approval.
- the independent investigations officer.

All representatives and those offering support should be agreed in advance by the chair of the panel.

## Panel procedure

The Panel will determine the procedure to be followed to ensure that it is best placed to deal with the issues arising from the complaint. The panel will consider how the complainant can be made to feel most comfortable presenting to the panel, especially in the case of a young child having to present or explain information.

The procedure for an appeal is usually as follows:

1. The complainant and Principal will join the hearing at the same time
2. The chair will introduce the panel members and outline the process.
3. The complainant will explain the complaint.
4. The principal and panel will question the complainant.
5. The principal will explain the school's actions.
6. The complainant and panel will question the principal.
7. The principal will sum up the school's actions.
8. The complainant will sum up their complaint.

9. The chair will explain that both parties will hear from the panel within 10 school days.
10. Both parties will leave at the same time.
11. The governance professional will stay to assist the panel with its decision-making.

The governance professional will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken, or actions agreed. Electronic recordings of the hearing will not normally be permitted and, in any event, would require the consent of all those present.

### **After the hearing**

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

- decide on the appropriate action to be taken to resolve the complaint; and
- where appropriate, recommend changes to the academy's systems or procedures to prevent similar issues in the future.

### **Complaints Policy and Procedure**

The chair of the complaint panel will provide the complainant and the academy with a full explanation of the decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reasons for it.

Where appropriate, it will include details of actions the academy will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the academy's premises by the Academy Trust and the Principal.

A written record will be kept of all complaints and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

The Complaints Panel may make findings and recommendations and a copy of those findings and recommendations will be:

- (i) sent by electronic mail or otherwise provided in writing to the parent and, where relevant, the Academy or person complained about; and
- (ii) available for inspection on the Academy premises by the Trust, the Principal and the Chief Executive Officer.

The Complaints Panel will formulate its response as quickly as reasonably possible, aiming to do so within **10** school days, and the governance professional will notify all concerned.

As above, the complaint panel is not a court and no legal rights or issues can be determined. Therefore, legal representation will only be permitted in exceptional circumstances and at the express discretion of the Chair of the complaint panel.

If the parent fails to attend the Complaints Panel Meeting on the day without compelling reasons, the Complaints Panel will still proceed in their absence and the process will continue to its conclusion. Any further attempt to re-open the matter will be considered as falling under the "Serial or Vexatious Complainants" section as set below.

The chair of this panel will also within 10 school days of this hearing;

Make a copy of the findings and recommendations and retain these on school premises. All correspondence, statements and records relating to this complaint are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

### 3. Limitations within the policy

#### 3.1 Time Limits

Complaints need to be considered and resolved as quickly and efficiently as possible. As such, complaints made under this procedure will ordinarily be rejected if they are not brought within 3 months, unless there are exceptional circumstances. (Exceptional circumstances will be determined by the Principal/Chair of Trustees on a case by case basis.)

#### 3.2 Safeguarding referrals

Academies have a duty to safeguard and promote the welfare of their students under Part 3 of Schedule 1, Education (Independent School Standards) Regulations 2014. This includes making referrals to the appropriate organisation, using local authority children's social care services, if they have a concern about the welfare of a child. It is not for the school to investigate or make a judgment about possible abuse or neglect, but they must refer any concerns they may have. As such, any response to or investigation in relation to a complaint about a safeguarding referral made by school staff will be limited to considering whether the appropriate action was taken at the time the referral was made on the basis of the information available to the referrer at that time and in accordance with the GCET safeguarding policy.

#### 3.3 Allegations of abuse

Allegations of abuse (e.g. verbal and physical) against a member of school staff must be reported to the principal immediately using the form in Appendix B. Allegations of abuse against the headteacher/principal must be reported to the CEO immediately using the form in Appendix B.

#### 3.4 Serial and Vexatious complaints

The majority of complaints are resolved through a properly managed complaints procedure. However, there are occasions when there are:

1. Serial complaints despite all stages of the procedure having been followed, the complainant remains dissatisfied. If a complainant tries to reopen the same issue the Chair of Trustees may write informing them that all stages of the procedure have been exhausted and the matter is considered closed, unless new evidence becomes available.
2. Vexatious complaints. Complaints with the following characteristics may be deemed to be vexatious:
  - obsessive, persistent, harassing, prolific, repetitious;
  - insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
  - insistence upon pursuing meritorious complaints in an unreasonable manner;
  - complaints which are designed to cause disruption or annoyance;
  - demands for redress that lack any serious purpose or value.

In these circumstances, the school will take the following actions:

- a) verbally inform the complainant that his/her behaviour is considered to be becoming unreasonable/unacceptable and if it is not modified, action may be taken in accordance with this policy.
- b) inform the complainant in writing that his/her behaviour is now considered by the school to be unreasonable/unacceptable.

- c) inform the complainant that all meetings with a member of staff will be conducted with a second person present and that confidential notes will be taken at the meeting in the interests of all parties.
- d) inform the complainant that, except in emergencies, all routine communication from the complainant to the school should be by letter only.
- e) in the case of physical or verbal aggression, the matter will be reported to the police and the school will consider warning the complainant about being banned from the school site.

The Chair of Trustees reserves the right to inform the Complainant that the complaint is deemed to be vexatious and that the Trust will not respond to any further correspondence on this issue or a closely related issue.

### **3.5 Complaint campaigns**

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the school) which are all based on the same subject. Depending on the subject in question, the school may deviate from the procedure set out in this policy and instead:

- send a template response to all complainants and/or
- publish a single response on the school's website (as applicable).

### **3.6 Complaints received outside of term time**

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

### **3.7 Anonymous Complaints**

Where an anonymous complaint is received, the Academy/Trust will use its reasonable endeavours to consider the complaint as best as it reasonably can. However, the Academy/Trust will not be required to consider the complaint pursuant to any specific process and will handle anonymous complaints on a case by case basis.

## **4. Retaining Records Relating to Complaints**

The UK Data Protection legislation states that any record that includes personal data must not be kept for any longer period than is necessary to fulfil its purpose. Records relating to complaints must therefore only be retained in line with the Trusts Data Retention Policy and Schedule.

A copy of the response will be retained for inspection by the Trust. A written record will be kept of all complaints, and at what stage they were resolved and any action taken by the Trust as a result of those complaints (regardless of whether they are upheld).

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

## **5. Taking a Complaint Further**

Stage 3 is the end of the Trust process. If the complainant believes the Trust did not handle their complaint in accordance with this Complaints Policy or they acted unlawfully or unreasonably they can contact the Education and Skills Funding Agency (ESFA) after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made but will consider whether the Trust adhered to education legislation and any statutory policies or regulations.

The complainant can refer their complaint to the ESFA:

online [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus)

by telephone 0370 000 2288

or by writing to:

The Education and Skills Funding Agency (ESFA)  
Academies Complaint and Customer Insight Unit  
Cheylesmore House  
Quinton Road  
Coventry  
CV1 2WT

**Note: update this when relevant:**

<https://www.gov.uk/complain-to-dfe>

Ministerial and Public Communication Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD

## **6. Other related Policies**

- Admissions Policy
- Behaviour for Learning Policies (school specific)
- Exclusions and Suspensions Policy (school specific)
- External Examinations Policy (school specific)
- Grievance Procedure (staff only)
- Safeguarding and Child Protection Policy
- SEND Policy
- Whistleblowing Policy (employees only)

# Appendix A

## Roles and Responsibilities

### 1. 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/Trust 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.

### 2. 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 Principal or complaints committee that sets out the facts, identifies solutions and recommends courses of action to resolve problems. This will be placed on the academy complaints log.

The responsible officer or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### 3. Complaint Co-ordinator

The Complaints Co-ordinator is the person who acts as a facilitator. He or she will bring this complaint to a satisfactory resolution. The Trust will be responsible for selecting a complaints co-ordinator.

The complaint co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure;
- liaise with staff members, and trustees/local committee chairs as 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 on support or where the complainant is a child or young person;
- keep records.

### 4. The Trustee Governance Professional to the Complaints Panel

The Governance professional should:

- ensure that all people involved in the complaints process 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 material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and share it with 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 panel's decision.

## 5. Trust Complaints Panel Chair

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

- both parties are asked (via the governance professional) 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 panel is explained to the complainant;
- 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 complaints co-ordinator.

## 6. Complaints panel members

Members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so;
- no local committee member 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/Trust 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 panel 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 panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend. However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the panel considers is not in the child/young person's best interests;
- the welfare of any child/young person is paramount.

## Appendix B

### Complaint Form

Please complete and return by email to the relevant person (please refer to guidance grid in Appendix C) who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>To which academy does your complaint or concern apply (if relevant):</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Your Address:</b>  <b>Postcode:</b>  <div style="text-align: center;"><b>Your contact details:</b></div> <b>Day time telephone number:</b>  <b>Evening telephone number:</b>
<b>Please provide details of your complaint, including whether you have spoken to anybody at the academy or Trust about it and whether any steps have already been taken to resolve the complaint.</b>

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

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

**Signature:**  
**Date:**

**Official use**

**Date acknowledgement sent:**

## Appendix C

### Names and contact details

Bacton Primary School	Mrs Tessa Sait	<a href="mailto:admin@bactonschool.org.uk">admin@bactonschool.org.uk</a>
Britannia Primary School	Mr Keith Hart	<a href="mailto:office@britannia.suffolk.sch.uk">office@britannia.suffolk.sch.uk</a>
Cedars Park Primary School	Miss Aisha Suhail	<a href="mailto:admin@cedarspark.suffolk.sch.uk">admin@cedarspark.suffolk.sch.uk</a>
Copleston High School	Mr Andy Green	<a href="mailto:mail@copleston.suffolk.sch.uk">mail@copleston.suffolk.sch.uk</a>
Mendlesham Primary School	Mrs Tessa Sait	<a href="mailto:admin@mendleshamschool.org.uk">admin@mendleshamschool.org.uk</a>
Rose Hill Primary School	Ms Georgina Bright	<a href="mailto:mail@rosehillprimary.net">mail@rosehillprimary.net</a>
Stowupland High School	Mr Lee Walker	<a href="mailto:enquiries@stowuplandhighschool.co.uk">enquiries@stowuplandhighschool.co.uk</a>
Chief Executive Officer	Mr Shaun Common	<a href="mailto:mail@oxlip.uk">mail@oxlip.uk</a>
Chair of the Trust Board	Mr Bob Wade	<a href="mailto:mail@oxlip.uk">mail@oxlip.uk</a>
Trust Governance Professional	Ms Kate Thomas	<a href="mailto:mail@oxlip.uk">mail@oxlip.uk</a>

## Appendix D

### Areas of responsibility and lines of reporting for concerns and complaints

<b>Who is the complaint about?</b>	<b>Who should the complaint be addressed to?</b>
Class teacher or other member of school staff	Headteacher/Principal
Headteacher/Principal	Chief Executive Officer
Chair of Local Board, individual Local Board members, Trustee, Trust or Local Board as a whole	Chair of the Trust Board
Member of staff at the central trust office (excluding the CEO)	Chief Executive Officer
Chief Executive Officer	Chair of the Trust Board
Chair of Trustees	Governance Professional or the CEO

## Appendix E

### Complaint Process – Timelines

Stage	Details	Time frame
<b>Stage 1</b> <b>Informal</b>	<ul style="list-style-type: none"> <li>• Academies and complainant work together to resolve concerns.</li> <li>• May include mediation or pastoral meetings.</li> <li>• Parent can request appeal to Stage 2 within 15 school days of Stage 1 outcome</li> </ul>	No more than 15 school days
<b>Stage 2</b> <b>Formal</b>	<ul style="list-style-type: none"> <li>• Acknowledgement of complaint</li> <li>• Formal investigation by Principal/Chair/CEO</li> <li>• Notification of decision to complainant</li> <li>• Complainant can request review at Stage 3 within 15 school days of receipt of Stage 2</li> </ul>	No more than 30 school days in total.
<b>Stage 3</b> <b>Review – panel hearing</b>	<ul style="list-style-type: none"> <li>• Acknowledgement of request to review the complaint.</li> <li>• Arrangements made for a review meeting.</li> <li>• The review meeting takes place.</li> <li>• Notification of the decision to all,</li> <li>• End of Academy process.</li> </ul>	No more than 55 school days from receipt of request
<b>End of academies review process</b>		
If the complainant believes the Trust did not handle their complaint in accordance with this Complaints Policy or they acted unlawfully or unreasonably they can contact The Education and Skills Funding Agency (ESFA <u>after</u> they have completed Stage 3.		

## Appendix F

### Complaint Process Flowchart

<b>Stage 1: Informal</b> Who do I complain to?	How do I do this and what happens next?	<b>Stage 2: Formal</b>	Who do I complain to?	What happens next?	<b>Stage 3: Review</b>	What happens next?
<p>For general school based issues, including the quality of education: Class teacher, middle leader or senior leader</p> <p>For complaints about a member of staff (minor issue): Middle Leader, Phase Leader or Class teacher</p> <p>For complaints about a staff member (major issue, e.g. safeguarding): Headteacher/Principal</p> <p>For complaints about a volunteer: Headteacher/Principal</p> <p>For complaints about the Headteacher/Principal: CEO</p> <p>For complaints about governance (Local Boards or Trustees): Governance Professional</p> <p>For complaints about the CEO: Chair of the Trust</p>	<p>Make an appointment to speak to the relevant person as soon as possible - see the contact list in Appendix A</p> <p>This meeting should seek a resolution to the concern</p> <p>Staff will make a brief written record of the concern and of any actions agreed</p> <p>The timeframe for Stage 1 - Informal should be 15 school days</p> <p>If not resolved, move on to Stage 2</p>	<p><b>Stage 2 can only be pursued once Stage 1 has concluded.</b></p> <p>Submit a formal letter of complaint within 15 school days of completion of Stage 1.</p>	<p>For general school based issues including the quality of education: Senior Leader, Headteacher/Principal</p> <p>For complaints about the Headteacher/Principal: CEO</p> <p>For complaints about the Trust: CEO</p> <p>For complaints about the CEO: Chair of the Trust</p> <p>For complaints about the Chair of the Trust or any Trustee: Governance Professional</p>	<p>Your complaint will be acknowledged within 3 school days of receipt - this will also confirm how your complaint will be investigated and will provide a date for the response to be made</p> <p><b>Informal Resolution:</b></p> <p>Initially, an informal meeting will be offered to take place within 10 school days of receipt of the complaint. It is hoped that an informal resolution may be reached at this point</p> <p><b>Formal Investigation:</b></p> <p>If the informal route is not successful, an investigating officer will be appointed, they will meet with witnesses and the complainant. The investigating officer will report to the Head/Principal with their recommendations.</p> <p>The Head/Principal will write a formal response to the complainant within 30 school days of receipt of the complaint</p> <p><b>Taking the complaint further:</b></p> <p>Please contact the Governance Professional within 10 school days of receipt of the outcome letter to move to Stage 3</p>	<p><b>Stage 3 can only be pursued if the complainant is dissatisfied with the outcome at Stage 2.</b></p> <p>The Stage 3 request must be sent to the Governance Professional and received within 10 school days of receipt of the outcome at Stage 2.</p> <p>The Stage 3 process will be complete within 55 school days of receipt of the request.</p>	<p>Your Stage 3 request will be acknowledged in writing within 3 school days</p> <p>The Governance Professional will invite the school to put it's response in writing with 15 school days</p> <p>A meeting of the Complaints panel will be convened, if possible within 30 school days of the school's response time</p> <p>The Chair of the panel will provide the complainant and the Trust/school, a full explanation of their decision and the reason(s) for it. This will be within 10 school days of the Complaints panel meeting</p> <p>The letter will include details of how to contact the Department for Education if the complainant is dissatisfied with the way their complaint has been handled by the Trust</p>