



Complaints Policy

Version: 1

Ratified by the Board of Trustees 13th July 2022

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1. Introduction

- 1.1. This policy applies to any matter which has been raised with an Academy within the Academy Trust by parents/carers of pupils as a matter of concern but which has not been capable of resolution informally and which the Complainant or the Academy considers should be dealt with on a formal basis. Usually matters relating to admissions and exclusions, statutory SEN assessments, matters involving child protection involvement, will not be considered under this policy as they have their own appeal or complaint processes. Where necessary the Academy will exercise its discretion. Whistleblowing and staff grievances and discipline matters will not be considered under this policy.
- 1.2. For the avoidance of doubt this policy does apply to those who are not parents/carers of pupils at an Academy within the Academy Trust. Complaints that fall into this category will be dealt with as follows:

- 1.3. Complainants should first attempt to address their complaint to the Academy or Academy Trust (as appropriate) informally. If this fails to resolve the situation, the complaint may be submitted in writing to the Headteacher who will acknowledge receipt of the complaint and thereafter issue a final written response within **15** school days. Where the complaint involves the Chief Executive Officer, the Chair of Trustees will issue a final written response within the same timeframe.

2. Anonymous Complaints and Complaints Campaigns

- 2.1. The Academy/Academy Trust will not normally investigate anonymous complaints or complaints sent as part of a Complaints Campaign. This would include, for example, large volume of complaints all based on the same subject from complainants unconnected with the school. However, the Headteacher or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.

3. Timescales

- 3.1. Complainants should normally raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. The Academy /Academy Trust (as appropriate) will consider complaints made outside of this time frame if exceptional circumstances apply.

4. Complaints received outside of term time

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

5. Withdrawal of a Complaint

- 5.1. If a Complainant wants to withdraw their complaint, they will be asked to confirm the withdrawal in writing.

6. Stage 1 – Informal Resolution

- 6.1. The Academy Trust will publish guidance on how matters of concern should be raised on an informal basis. Generally, it is expected that where the matter relates to a pupil it will have been raised with the Headteacher before a request is made to deal with it under this policy. The Academy will seek to resolve matters at the informal stage within **15** school days of the issue being raised by the Complainant.

6.2. Where the matter is not resolved at the informal stage, the Complainant may elevate it to the formal stage as set out below.

7. Stage 2 – Formal Resolution at Local Level: Investigation by a Nominated Individual

7.1. The Complainant must put the complaint in writing, addressed to the Headteacher of the Academy, setting out briefly the facts and stating what it is that the Complainant considers should have been done or where the Academy has not met reasonable expectations.

7.2. An investigation will be carried out by a nominated individual identified by the Headteacher as appropriate, who may offer the Complainant a meeting. The investigator will speak to others involved. Whenever reasonably possible, any meeting with the Complainant will take place within **15** school days of the written complaint being received.

7.3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within **15** school days of any meeting with the Complainant; if no meeting is arranged it will be within **25** school days of the written complaint being received.

7.4. Where the Complainant remains dissatisfied he or she may request the complaint is dealt with **at Stage 3**. Any such request must be set out in writing, stating where the Complainant remains dissatisfied and lodged within **10** school days of the Complainant receiving the findings in writing.

7.5. Any complaint relating to the Headteacher of the Academy must be raised in the first instance with the Chief Executive Officer who will, if an informal resolution cannot be reached, designate a member of the Local Governing Body to investigate the complaint as per **Stage 3**. **Stage 2** does not apply to a complaint against the Headteacher.

7.6. For complaints against members of the Local Governing Body, Board of Trustees or the Chief Executive Officer please note the process to follow set out at the end of this policy.

8. Stage 3 – Formal Resolution: Local Governing Body

8.1. The Complainant must put the complaint in writing, addressed to the Chair of the Local Governing Body of the Academy, setting out briefly the facts and stating what it is that the Complainant considers should have been done or where the Academy has not met reasonable expectations.

- 8.2. The Chair of the Local Governing Body may appoint a member of the Local Governing Body of the Academy to investigate the complaint. The investigation may include the offer of a meeting with the Complainant. Whenever reasonably possible, any meeting with the Complainant will take place within **15** school days of the written complaint being received.
- 8.3. The investigator will put her/his findings in writing and will indicate what, if any, steps should be taken to resolve the matter. Whenever reasonably possible, this will be done within **15** school days of any meeting with the Complainant; if no meeting is arranged it will be within **25** school days of the written complaint being received.
- 8.4. Where the Complainant remains dissatisfied they may request the complaint is dealt with at **Stage 4**. Any such request **must** be set out in writing, stating where the Complainant remains dissatisfied, what remedies are being sought and be lodged within **10** school days of the Complainant receiving the findings in writing. The request must be addressed to the Clerk.

9. Stage 4 – Formal Resolution: Complaints Panel Meeting

- 9.1. The Complaints Panel will consider all complaints at **Stage 4**.
- 9.2. The Complaints Panel must comprise at least three people, which will include one person who is independent of the management and running of the Academy Trust and any of its Academies.
- 9.3. The Complaints Panel may also include one or more persons from the following categories:
- 9.4. A member of the Local Governing Body of the Academy where the complaint emanated from;
- 9.5. A member of a Local Governing Body from another Academy within the Academy Trust;
- 9.6. A member of the Board of Trustees from the Academy Trust.
- 9.7. None of the members of the Complaints Panel will have been directly involved in the matters detailed in the complaint.
- 9.8. The Clerk will invite the Academy to put in writing its response to the Complainant's reasons. The Academy will provide this within **15** school days of receiving the request. At the end of that period (whether or not the Academy has responded) the Clerk 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 Complainant, the Academy and the members of the Complaints Panel. Whenever possible, the meeting will be held within **15** school days of the end of the Academy's response time.

- 9.9. The 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 Complainant's own 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 Complainant 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 Academy will have the opportunity to respond and each side, as well as the Complaints Panel members, will be able to ask questions. The Complainant will have the opportunity to make final comments to the Complaints Panel.
- 9.9.1. The Complaints Panel may make findings and recommendations and a copy of those findings and recommendations will be:
- 9.9.2. sent by electronic mail or otherwise given to the Complainant and, where relevant, the person complained about; and
- 9.9.3. available for inspection on the Academy premises by the Academy Trust, the Headteacher and the Chief Executive Officer.
- 9.10.** The Complaints Panel will formulate its response as quickly as reasonably possible, aiming to do so within **10** school days, and the Clerk will notify all concerned.
- 9.11. At any meeting, the Complainant will be entitled to bring a companion along to provide support. Legal representation will only be permitted in exceptional circumstances.
- 9.12. If the Complainant fails to attend 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 persistent complainants" section as set out below.

10. Serial or persistent complainants

- 10.1. If at any level a Complainant attempts to reopen an issue or a closely related issue that has already been dealt with under this complaints

procedure, the Chair of Trustees may write to the Complainant to inform him/her that the procedure has been exhausted and the matter closed, that continued correspondence on the same matter is vexatious and that the Academy/Academy Trust will not respond to any further correspondence on this issue or a closely related issue.

The characteristics of a 'frivolous' or 'vexatious' complaint are:

- complaints which are 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

If these grounds are made out you may want to write to the complainant spelling out how the way in which they are bringing the complaint meets the above criteria and the actions that you may take (including not continuing with the complaint) if they do not modify their behaviour)

11. Complaints against the Local Governing Body/ Board of Trustees / Chief Executive Officer

- 11.1. Where a complaint is brought against a member of the Local Governing Body, the Chair of the Local Governing Body will investigate the complaint (or appoint another member of the Local Governing Body to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does not apply.
- 11.2. If the complaint is against the Chair of the Local Governing Body, then the Vice Chair of the Local Governing Body will investigate the complaint (or appoint another member of the Local Governing Body to do so) in the same way as in the first stage of the formal process at **Stage 3**. **Stage 2** does not apply.
- 11.3.** In exceptional circumstances the Chair of Trustees may at his or her absolute discretion determine that a complaint against a member of the Local Governing Body should be dealt with at Trust Board level and if so determined the Chair of Trustees will oversee **Stage 3**.
- 11.4. If the complaint is against a Trustee, then the Chair of Trustees, (or in the case of a complaint against the Chair the Vice Chair) will investigate the complaint (or appoint another member of the Board of Trustees to

do so) in the same way as in the first stage of the formal process at **Stage 3. Stage 2** does not apply.

- 11.5. If the complaint is against the Chief Executive Officer, then the Chair of Trustees will investigate the complaint (or appoint another member of the Board of Trustees to do so) in the same way as the first stage of the formal process at **Stage 3. Stage 2** does not apply.

12. Record Keeping

- 12.1. A written record will be kept of all complaints that were resolved at the formal stage of the complaints procedure. Records will contain details of whether the complaint was resolved at Stage 2, Stage 3 or whether it proceeded to a Stage 4 Complaints Panel Meeting. The action taken by the Academy or the Academy Trust as a result of a complaint (regardless of whether it is upheld) will also be recorded.

13. Confidentiality

- 13.1. 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 Education and Skills Act 2008 requests access to them.

14. Education and Skills Funding Agency (ESFA)

Once the complaints process is concluded (or a complaint has been terminated due to undue delay or failure to lodge a request for a Stage 4 Complaints Panel Meeting within the time stated in the policy) the matter is closed. If the Complainant is still not satisfied then they may contact the ESFA. There is an online procedure at:

<https://form.education.gov.uk>

or the Complainant may write to the ESFA at:

Complaints Team
Education and Skills Funding Agency
Cheylesmore House
Quinton Road
Coventry
CV1 2WT

15. Complaints Relating to Fulfilment of the EYFS Requirements

- 15.1. In order to comply with the statutory framework, written concerns or complaints relating to the fulfilment of the EYFS Requirements will be dealt with in accordance with the following process:
- 15.2. The written concern/complaint will be acknowledged within **5** school days;
- 15.3. The Headteacher will investigate the concern or complaint which may include meeting with the Complainant and the Head of Early Years. A written response notifying the Complainant of the outcome of the investigation will be sent within **28** school **days** of the complaint being received.
- 15.4. Where the Complainant remains dissatisfied, the Clerk will ensure that a formal Complaints Panel will be convened in accordance with **Stage 4** of this policy.
- 15.5. A record of the written complaints and their outcome will be maintained and made available to Ofsted on request.
- 15.6. Parents are further advised that where they have concerns regarding the Academy meeting EYFS requirements they may contact Ofsted on 0300 123 4666.

16. Changes

Description	Date	Page	Section
New policy	June 2022		