



# Complaints Policy

**Adopted By:** Board of Trustees

**Date:** July 2023

**Review Date:** July 2026

## Complaints Policy

Date of Issue:	July 2023
Policy applies to:	Any member of the community wishing to raise a concern/complaint and to WMAT and its schools when responding.
Policy Version Number:	04
Purpose of the document:	To provide an understanding of the policy and best practice of managing a complaint from members of the community.
Summary of the main points:	<p>The document provides:</p> <ol style="list-style-type: none"> <li>1. Guidance on how to make a complaint.</li> <li>2. A framework for the complaints procedure including informal and formal resolution.</li> <li>3. Roles and responsibilities of those involved throughout the process of managing a complaint.</li> </ol>
Approved by:	This policy has been approved by the Wessex Board of Trustees
Reviewers:	Karen Weir, Executive Assistant / Robyn Symes, HR Manager
Summary of amendments:	Updated to remove Stage 3 (Chair of Governors) and Stage 4 (CEO). Addition of provision for virtual panel meetings
Next review due:	July 2026

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## **POLICY AND PROCEDURE FOR HEARING AND DEALING WITH COMPLAINTS**

### **Statement of Intent**

Wessex Multi-Academy Trust and its schools are committed to working in close partnership with all members of their community. The Trust places great value on the role which parents and carers can play in supporting children's learning. Trustees, Governors and Staff actively encourage a positive relationship between Trust schools and the families of children who attend a Trust school.

This complaints procedure is not limited to parents or carers of children that are registered at the schools within the Trust. Any person, including members of the public, may make a complaint to Wessex Multi-Academy Trust or any of its schools about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

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
- Ensure 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

### **1. Legal framework**

**1.1.** This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Part 7 of the Education (Independent School Standards) Regulations 2014
- ESFA (2021) 'Best practice guidance for academies complaints procedures'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- ESFA (2022) 'Academy Trust handbook 2022'

**1.2.** This policy operates in conjunction with the following school policies:

- Admissions Policy
- Child Protection and Safeguarding Policy

- Behaviour Policy
- Suspension and Exclusion Policy
- Whistleblowing Policy
- Grievance Policy
- Data Protection Policy
- Records Management Policy

## 2. Definitions - The difference between a concern and a complaint

- 2.1. A concern may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.
- 2.2. A complaint may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action.’
- 2.3. It is in everyone’s interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. Wessex Multi-Academy Trust and its schools take concerns seriously and will make every effort to resolve the matter as quickly as possible.
- 2.4. Concerns about an aspect of life at a Trust school will be dealt with by the relevant school as quickly, sympathetically and effectively as possible. It is hoped that most concerns will be settled amicably at this stage. If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases the headteacher/head of school will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern the headteacher/head of school will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.
- 2.5. We understand, however, that there are occasions when people would like to raise their concerns formally. In this case, the Trust and its schools will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

## 3. Scope of this Complaints Procedure

- 3.1. This procedure covers all complaints about any provision of community facilities or services by Wessex Multi-Academy Trust or its schools, other than complaints that are dealt with under other statutory procedures, including those listed below:

Exceptions	Who to contact
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School re-organisation proposals</li> </ul>	<p>Concerns about admissions should be handled through a separate process – either through the appeals process or via the Local Authority.</p> <p>Statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Dorset Council</p>

<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding (01305 221122) or the Children’s Advice and Duty Service (01305 228866).</p>
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the complaints procedure.</i></p>
<ul style="list-style-type: none"> <li>• Whistleblowing</li> </ul>	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers in education who do not want to raise matters direct with their employer. Referrals can be made at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</p> <p>Volunteer staff who have concerns about our Trust or Trust schools should complain through the complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	<p>Complaints from staff will be dealt with under the Trust’s internal grievance procedures.</p>
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the Trust’s internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> <li>• Complaints about services provided by other providers who may use school premises or facilities</li> </ul>	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	<p>Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a></p>

- 3.2. If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.
- 3.3. If a complainant commences legal action against Wessex Multi-Academy Trust or any of its schools in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

#### **4. How to raise a concern or make a complaint**

- 4.1. A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.
- 4.2. Concerns should be raised with either the class teacher or their line manager. If the issue remains unresolved, the next step is to make a complaint.
- 4.3. Complaints against staff (except the headteacher/head of school) should be made in the first instance, to the headteacher/head of school via the school office. Please mark them as Private and Confidential.
- 4.4. Complaints that involve or are about the headteacher/head of school should be addressed to the Chair of the Local Governing Body, via the school office. Please mark them as Private and Confidential.
- 4.5. Complaints about the Chair of the Local Governing Body, any individual governor or the whole governing body should be addressed to the Clerk to Governors via the school office. Please mark them as Private and Confidential.
- 4.6. Complaints about the Trust will be dealt with by the Chief Executive Officer and should be addressed to the Executive Assistant, Wessex House, 4 Poundbury Business Centre, Holmead Walk, Poundbury, Dorchester, DT1 3GE. Please mark them as Private and Confidential.
- 4.7. Complaints about the Chief Executive Officer (CEO) or a Trustee of the Trust, should be addressed to the Chair of Trustees, Wessex MAT, Wessex House, 4 Poundbury Business Centre, Holmead Walk, Poundbury, Dorchester, DT1 3GE. Please mark them as Private and Confidential.
- 4.8. Complaints about the Chair of Trustees should be addressed to the MAT Clerk, Wessex House, 4 Poundbury Business Centre, Holmead Walk, Poundbury, Dorchester, DT1 3GE. Please mark them as Private and Confidential.
- 4.9. For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. You can also ask third party organisations like Citizens Advice to help you.
- 4.10. In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure.

For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

## **5. Anonymous complaints**

- 5.1. We will not normally investigate anonymous complaints, However, the headteacher/head of school or Chair of the Local Governing Body, if appropriate, will determine whether the complaint warrants an investigation.

## **6. Time scales**

- 6.1. We strongly encourage you to raise your complaint at the earliest opportunity as this helps us to consider and resolve the complaint as quickly and efficiently as possible. However, you must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

## **7. Complaints received outside of term time**

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

## **8. Resolving complaints**

- 8.1. At each stage in the procedure, Wessex Multi-Academy Trust wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:
- An explanation
  - An admission that the situation could have been handled differently or better
  - An assurance that we will try to ensure the event complained of will not recur
  - An explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
  - An undertaking to review academy policies in light of the complaint
  - An apology

## **9. Withdrawal of a complaint**

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

### **Complaints procedure**

## **10. Stage 1 – Informal complaints**

- 10.1. It is hoped that most concerns can be expressed and resolved on an informal basis. Concerns should be raised with either the class teacher, head of year/college or headteacher/head of school. Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it



may also prevent them from considering complaints at a later stage.

- 10.2. At the conclusion of their investigation, the appropriate person investigating the informal complaint will provide an informal written response within 15 school days of the date of receipt of the complaint. If the issue remains unresolved, the next step is to make a formal complaint.

## **11. Stage 2 – Formal complaint**

- 11.1. Formal complaints must be made to the headteacher/head of school (unless they are about the headteacher/head of school) via the school office. This may be done in person, in writing (preferably on the Complaint Form) or by telephone.
- 11.2. The headteacher/head of school will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. Within this response, the headteacher/head of school will seek to clarify the nature of the complaint, as to what remains unresolved and what outcome the complainant would like to see. The headteacher/head of school can consider whether a face to face meeting is the most appropriate way of doing this. *Note: the headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*
- 11.3. During the investigation, the headteacher/head of school (or investigator) will:
- If necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish.
  - Keep a written record of any meetings/interviews in relation to their investigation.
- 11.4. At the conclusion of their investigation, the headteacher/head of school will provide a formal written response within 15 school days of the date of receipt of the complaint. If the headteacher/head of school is unable to meet this deadline, they will provide the complainant with an update and revised response date. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions that will be taken to resolve the complaint.
- 11.5. The headteacher/head of school will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of stage 2. A request to escalate to stage 3 should be made to the Chair of the Local Governing Body via the Clerk to Governors within 10 school days of the end of stage 2, i.e. communication of an outcome.
- 11.6. If the complaint is about the headteacher/head of school or a member of the local governing body (including the Chair or Vice-Chair), a suitably skilled governor will be appointed to complete all actions at stage 2.
- 11.7. Complaints about the headteacher/head of school or a member of the local governing body must be made to the Clerk to Governors, via the school office.
- 11.8. If the complaint is:

- Jointly about the Chair and Vice-Chair, or
- The entire local governing body, or
- The majority of the local governing body,

stage 2 will be escalated to the CEO of the Trust (see page 12).

## **12. Stage 3 – Panel Hearing**

- 12.1. If the complainant is dissatisfied with the outcome at stage 2 and wishes to take the matter further, they can escalate the complaint to stage 3 – a panel hearing consisting of at least 3 people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.
- 12.2. A request to escalate to stage 3 must be made to the Clerk to the Local Governing Body, via the School Office, within 10 school days of receipt of the stage 2 response.
- 12.3. The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.
- 12.4. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 12.5. The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a panel meeting within 20 school days of receipt of the stage 3 request. If this is not possible, they will provide an anticipated date and keep the complainant informed.
- 12.6. If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- 12.7. If the complaint is:
  - Jointly about the Chair and Vice-Chair or
  - The entire local governing body or
  - The majority of the local governing body,

stage 3 will be heard by the Trustees and an independent panel member.

- 12.8. If the complainant chooses to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the meeting. However, there may be occasions when legal representation is appropriate. For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

*Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will*

*not be shared with them.*

- 12.9. Representatives from the media are not permitted to attend.
- 12.10. At least 10 school days before the panel meeting, the Clerk will:
- Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
  - Request copies of any further written material to be submitted to the committee at least 7 school days before the meeting.
- 12.11. Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 12.12. The panel will principally consider how the complaint was handled at the previous stages but has discretion to review other aspects of the complaint as it sees fit. The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.
- 12.13. The meeting will be held in private. Meetings can be held virtually if all parties have access to the appropriate equipment and are happy for the meeting to be held virtually.
- 12.14. 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. Recording devices will not be used without the prior consent of all parties. Consent will be recorded in any minutes taken.
- 12.15. The panel will consider the complaint and all the evidence presented. The panel can:
- Uphold the complaint in whole or in part
  - Dismiss the complaint in whole or in part
- 12.16. 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
  - Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.
- 12.17. The Chair of the Panel will provide the complainant and the school with a full explanation of their decision and reason(s) for it, in writing, within 5 school days. The Clerk will file all correspondence centrally.
- 12.18. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled. The response will detail any actions taken to investigate the complaint,

the minutes of the panel meeting and a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions that will be taken to resolve the complaint.

- 12.19. 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 request on the school premises by the proprietor and the headteacher.
- 12.20. 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.
- 12.21. All correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under Section 109 of the 2008 Act requests access to them.

### **13. Complaints escalated to / about the Trust, CEO or Trustee**

13.1. If a complaint is:

- Jointly about the Chair and Vice-Chair, or
- The entire local governing body, or
- The majority of the local governing body,

stage 2 will be escalated to the CEO of the Trust. The complaint should be sent to the Executive Assistant, Wessex House 4 Poundbury Business Centre, Holmead Walk, Poundbury, Dorchester, DT1 3GE, for the CEO to investigate. This must happen within three months of the original incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

- 13.2. The CEO will write to the complainant acknowledging the complaint within 5 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will be investigated under stage 2 of this Complaints Policy and will confirm the date for providing a response to the complainant.
- 13.3. Following the investigation, the CEO will write to the complainant confirming the outcome within 15 school days of the date that the letter was received. If this time limit cannot be met, the CEO will write to the Complainant within 5 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.
- 13.4. If the complaint concerns the CEO or a Trustee, the complaint should be investigated by the Chair of the Trust. If a formal complaint is received about the Chair, the complaint will be referred to the Vice Chair for investigation. *NB. Where the Chair of the Trust Board has investigated the complaint, they will write the letter of outcome to the Complainant and provide a copy to the CEO.*
- 13.5. If the complainant is not satisfied with the outcome at stage 2, within 10 days the complainant should write to the MAT Clerk, Wessex House 4, Poundbury Business

Centre, Holmead Walk, Poundbury, Dorchester, DT1 3GE, asking for the complaint to be heard before a Complaint Panel.

- 13.6. The MAT Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (by letter or email) within 5 school days. Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- 13.7. The MAT Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 20 school days of receipt of the stage 3 request. If this is not possible, the MAT Clerk will provide an anticipated date and keep the complainant informed.
- 13.8. If the complainant rejects the offer of three proposed dates without good reason, the MAT Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- 13.9. If the complaint is:
  - jointly about the Chair and Vice Chair or
  - the entire Trust board or
  - the majority of the Trust board,

stage 3 will be heard by a completely independent panel.

- 13.10. The Complaint Panel will consist of three members. None of the three members of the Complaint Panel will have been involved in the incidents or events which led to the complaint, or have been involved in dealing with the complaint in the previous stages, or have any detailed prior knowledge of the complaint.
- 13.11. One of the Complaint Panel members will be independent of the management and running of the Trust. This means that the independent Complaint Panel member will not be a Trustee or an employee of the Trust.
- 13.12. A complainant may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the meeting. However, there may be occasions when legal representation is appropriate. For instance, if a trust employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

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

- 13.13. Representatives from the media are not permitted to attend.
- 13.14. At least 10 school days before the panel meeting, the MAT Clerk will:

- Confirm and notify the complainant of the date, time and venue of the meeting, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
  - Request copies of any further written material to be submitted to the committee at least 7 school days before the meeting.
- 13.15. Any written material will be circulated to all parties at least 5 school days before the date of the meeting. The panel will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.
- 13.16. The panel will principally consider how the complaint was handled at the previous stages but has discretion to review other aspects of the complaint as it sees fit. The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.
- 13.17. The meeting will be held in private. Meetings can be held virtually if all parties have access to the appropriate equipment and are happy for the meeting to be held virtually.
- 13.18. 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. Recording devices will not be used without the prior consent of all parties. Consent will be recorded in any minutes taken.
- 13.19. The panel will consider the complaint and all the evidence presented. The panel can:
- Uphold the complaint in whole or in part
  - Dismiss the complaint in whole or in part
- 13.20. 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
  - Where appropriate, recommend changes to the academy's systems or procedures to prevent similar issues in the future.
- 13.21. The Chair of the panel will provide the complainant and the academy/Trust with a full explanation of their decision and reason(s) for it, in writing, within 5 school days. The Clerk will file all correspondence centrally.
- 13.22. The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled. The response will detail any actions taken to investigate the complaint, the minutes of the panel meeting and a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions that will be taken to resolve the complaint.
- 13.23. 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 request on the school premises by the proprietor and the headteacher.

- 13.24. 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.
- 13.25. All correspondence, statements and records relating to individual complaints will be kept confidential, except where the Secretary of State or a body conducting an inspection under Section 109 of the 2008 Act requests access to them.

#### **14. Next steps**

- 14.1. If the complainant believes the Trust did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed stage 3.
- 14.2. 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.
- 14.3. If a social services authority decides to investigate a situation, the board of Trustees may postpone the complaints procedure.
- 14.4. The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the academy/Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014. 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
- 14.5. 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.
- 14.6. The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

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

## **15. Early Years Foundation Stage**

### **15.1. In respect of children within the Early Years Foundation Stage of the Trust's Academies:**

- We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint;
- records of complaints will be kept for at least three years and made available to Ofsted on request; and
- parents or carers can notify Ofsted if they believe that the academy is not meeting Early Years Foundation Stage requirements, by calling the general helpline on 0300 123 1231 or 0300 123 4666; textphone number 0161 618 8524, by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk) or writing to Ofsted, Piccadilly Gate, Store Street, Manchester M1 2WD and/or ISI (on 020 7600 0100) if they wish. An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>

### **15.2. We will notify parents and carers if we become aware that the academy is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.**

## **16. Unreasonable complaints**

### **16.1. 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 contact complainants have with the Trust itself or any of its schools; 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.**

### **16.2. For the purposes of this policy, 'unreasonable complaints' include:**

- Vexatious complaints:
  - Are obsessive, persistent, harassing, prolific or repetitious.
  - Insist upon pursuing unmeritorious complaints or seeking disproportionate outcomes.
  - Insist upon pursuing meritorious complaints in an unreasonable manner.
  - Are designed to cause disruption or annoyance.
  - Demands 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.

16.3. The above applies regardless of the method by which the complaint is made, e.g. face-to-face, by telephone, in writing or electronically.

16.4. Unreasonable persistence and demands can impact on staff wellbeing and the Trust does not expect staff to tolerate unacceptable behaviour and will take action to protect staff from such behaviour, including that which is abusive, offensive or threatening.

## **17. Duplicate complaints**

17.1. If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

17.2. If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and the local process is complete
- Direct them to the ESFA if they are dissatisfied with our original handling of the complaint

17.3. If there are new aspects, we will follow this procedure again.

## **18. Complaint campaigns**

18.1. Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

18.2. If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

## **19. General and Monitoring**

19.1. 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.

19.2. The Trust will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO) or police investigation.

- 19.3. 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.
- 19.4. The Trust will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.
- 19.5. This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or on the review panel.
- 19.6. This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.
- 19.7. Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and record retention schedule.
- 19.8. The details of the complaint, including the names of individuals involved, will not be shared with the local governing board to preserve impartiality in case they are needed for a complaints panel.
- 19.9. Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing board, who will not unreasonably withhold consent.
- 19.10. The local governing body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. They will track the number and nature of complaints and review underlying issues. The complaints records are logged and managed by the Clerk to Governors and held on the central Trust file.
- 19.11. This policy will be reviewed by Board of Trustees every 3 years. At each review, the policy will be approved by the Board of Trustees. The Board of Trustees will monitor complaints across the Trust.

## **Appendix 1**

### **Roles and responsibilities**

#### **The Complainant**

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- Explain the complaint in full as early as possible
- Co-operate with the academy throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Refrain from publicising the details of their complaint on social media and respect confidentiality

#### **The 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 clerk 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 take to record minutes of the meeting
- Ensure that any papers produced during the investigation are kept securely pending any appeal
- Be mindful of the timescales to respond
- Prepare a comprehensive report for the headteacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems.
- The headteacher or complaints panel will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

#### **Clerk to the Local Governing Body / Trust Board**

The clerk is the contact point for the complainant and the Complaint Panel and should:

- Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law,

the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)

- Ensure all relevant paperwork, including the Chair's response to the complainant, is filed on the Trust central file
- Set the time, date and venue of the panel meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- Collate any written material relevant to the complaint (for example; stage 1 paperwork, academy and complainant submissions) and send it to the parties in advance of the panel meeting within an agreed timescale
- Record the proceedings
- Circulate the minutes of the meeting
- Notify all parties of the panel's decision

### **Complaint Panel Chair**

The panel chair, who is nominated in advance of the complainant meeting, should ensure that:

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

### **Panel Member**

Panel members should be aware that:

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

- Many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting. Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated. The 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 committee considers is not in the child/young person's best interests.
- The welfare of the child/young person is paramount.

**APPENDIX 2  
COMPLAINT FORM**

School Name:	
Complainant's Name:	
Student's Name:	
Complainant's Relationship to student:	
Address of Complainant:	
Postcode:	Daytime Tel:
Mobile:	E-mail:
Please give details of your complaint:	
What action, if any, have you already taken to try and resolve you complaint (who did you speak to, when and what was the response?):	
What actions do you feel might resolve the problem at this stage?	

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

Signed:	Date:
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Official Use:
Date acknowledgement sent:
By who:

Complaint referred to:
Date: