



# **Complaints Policy**

## **Forward Education Trust and schools**

<b>Date of Approval:</b>	<b>February 2022</b>
<b>Approved by:</b>	<b>Board of Trustees</b>
<b>Review Date:</b>	<b>December 2023</b>

## Policy Information:

<b>Date of last review</b>	December 2020	<b>Review period</b>	Bi-Annual
<b>Date approved</b>	February 2022	<b>Approved by</b>	Board of Trustees
<b>Policy owner</b>	Chief Executive	<b>Date of next review</b>	December 2023

## Updates made since the last review:

Review date	Changes made	By whom
February 2022	Update to procedures	Chief Executive

Item	Description	Page
1	Introduction	3
2	Who can make a complaint	4
3	The difference between a complaint and a concern	4
4	How to raise a concern or make a complaint	4
5	Scope of this Complaints Procedure	6
6	The three stages of our process	7
7	Next steps	11
8	Principles of Investigating a concern or complaint	13
9	Principles of notifying the outcome of a complaint	14
10	Anonymous complaints	15
11	Timescales	15
12	Late complaints	15
13	Complaints received outside of term time	16
14	Vexatious and/or repeated complaints	16
15	Unreasonable behaviours	17
16	Complaints Campaigns	18
17	Withdrawal of a complaint	18
18	Complaint form	19
19	Roles & responsibilities	21
20	Mediation	24

## Introduction

We believe that our schools provide an excellent education and that school personnel work very hard to build positive relationships with all parents and others. However, we appreciate that on occasions there are misunderstandings, or differences of opinion. We are always keen to rectify concerns and will work hard to do so.

We are obliged under the Education (Independent School Standards) (England) Regulations 2014 to have in place clear procedures to deal with complaints made by parents against our schools or individuals connected with them. We are aware that under the Education Act 1996 parents have the right to complain about any matter relating to the school's curriculum and any issue relating to the general education that we provide. This complaints procedure is published on each school's website within our trust with hard copies available from the school office.

We are obliged under legislation to have in place, clear procedures to deal with complaints made by parents against the trust. In the case of complaints against the trust, the CEO will take the role of the Headteacher and the Chair of the Board of Trustees the role of the Chair of Local Academy Council.

We believe that complaints should be kept to a minimum by forging strong positive relations with everyone connected with the school and by having in place very good lines of communication. As a school community we have a commitment to promote equality. We believe that in the interests of all concerned, especially the child, positive relationships should be maintained.

An equality impact assessment has been undertaken and we believe this policy is in line with the Equality Act 2010.

This Complaints Policy is based on the principle that concerns expressed by a pupil or parent should be resolved as quickly as possible without the need to escalate to the formal stages of the procedure. However, where resolution has not been achieved and the person raising the concern is unhappy and wishes to take the matter further, the formal procedure for dealing with complaints will be followed.

The three stages are:

- Stage 1 - Informal investigation of a concern.
- Stage 2 - Formal complaint investigated by the Headteacher.
- Stage 3 - Formal complaint investigated by the Local Academy Council.

If a parent is concerned about anything to do with any aspect of the school or its organisation they should in the first instance discuss the matter with the school and attempt to resolve the issue amicably **before** resorting to following the formal procedure. In most cases we are confident that we can resolve any concerns or issues by simply talking through them face to face.

## **Who can make a complaint?**

This complaints procedure is not limited to parents or carers of children that are registered at any of our schools. Any person, including members of the public, may make a complaint to Forward Education Trust 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, but within the scope laid out in this policy.

## **The difference between a concern and a complaint**

A concern may be defined as *'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'*.

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

As stated, 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. Forward Education Trust takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, the Headteacher will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

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

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

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Where a concern relates to the provision of teaching and learning concerns should be raised with the Headteacher. If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual Trustees or Local Academy Council members 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 other stages of the procedure.

Complaints against school staff (except the Headteacher) should be made in the first instance, to the Headteacher via the school office using the appropriate email address as below. Please mark them as Private and Confidential and for the attention of 'Headteacher of XXXX School'. For clarity, the current email addresses are:

Brays School [complaints@brays.fet.ac](mailto:complaints@brays.fet.ac)

Bridge School [complaints@bridge.fet.ac](mailto:complaints@bridge.fet.ac)

Hallmoor School [complaints@hallmoor.fet.ac](mailto:complaints@hallmoor.fet.ac)

High Point Academy [complaints@highpoint.fet.ac](mailto:complaints@highpoint.fet.ac)

Lea Hall Academy [complaints@leahall.fet.ac](mailto:complaints@leahall.fet.ac)

Leycroft Academy [complaints@leycroft@fet.ac](mailto:complaints@leycroft@fet.ac)

Complaints that involve or are about the Headteacher should be addressed to the Chair of Local Academy Council, via the school office using the email addresses above. Please mark them as Private and Confidential and for the attention of 'Chair of Local Academy Council at XXXX School'.

Complaints that involve or are about the Central Trust should be addressed to the Trust CEO via email to [complaints@fet.ac](mailto:complaints@fet.ac). Please mark them as Private and Confidential and for the attention of 'CEO at Forward Education Trust'.

Complaints that involve or are about the CEO should be addressed to the Chair of the Board of Trustees via email to [complaints@fet.ac](mailto:complaints@fet.ac). Please mark them as Private and Confidential and for the attention of 'Chair of the Board of Trustees at Forward Education Trust'.

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 Trust. You can also ask third party organisations like the Citizens Advice to help you.

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.

## Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Forward Education Trust 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> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with the Local Authority within which the school is geographically situated (Birmingham City Council/Sandwell Council or other).</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 or the Multi-Agency Safeguarding Hub (MASH).</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/schooldiscipline-exclusions/exclusions">www.gov.uk/schooldiscipline-exclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's 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 any of our schools should complain through the Complaints Policy. You may also be able to complain direct to the LA or the Education Skills &amp; Funding Agency (see link above), depending on the substance of your complaint.</p>

<ul style="list-style-type: none"> <li>• Staff grievances</li> </ul>	Complaints from staff will be dealt with under the Trust's internal grievance procedures.
<ul style="list-style-type: none"> <li>• Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with under the 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>	Providers should have their own complaints procedure to deal with complaints about service. Please contact them directly.
<ul style="list-style-type: none"> <li>• National Curriculum - content</li> </ul>	Please contact the Education Skills & Funding Agency at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against Forward Education Trust 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.

## **The three stages of our process - detail**

### **Stage 1 - informal**

During this informal stage the school team may be able to deal with many concerns to the satisfaction of the complainant, without needing to deal with it formally. The school values informal meetings and telephone discussions as a way of improving its procedures and relations with parents.

Initially a meeting should be arranged via the school office, with the member of staff concerned, to share the issue. Depending on the circumstances of the complaint, it may be considered appropriate for the Headteacher to discuss it with the complainant as an informal complaint. The school will inform the complainant after understanding the detail. This meeting is held in the spirit of attempting to resolve the matter in an amicable manner. In the unlikely event that the concern is not resolved it should move to the formal stage outlined in this policy.

There is no rigid time-scale for resolving concerns and complaints at this stage, given the importance of dialogue through informal discussions, however, it is hoped that most concerns will be resolved within 10 school days. Should the nature or complexity of the concern mean that more time is required, the school will write to the complainant within 10 school days informing them of the reason for the delay and confirming a revised date for resolution.

Should informal meetings and telephone discussions appear unlikely to resolve the concern, either party may initiate a move to the Stage 2 for the complaint to be investigated formally.

### **Stage 2 – formal complaint investigated by the Headteacher**

The Headteacher will record the date the complaint is received and the nature of it. The Headteacher will acknowledge receipt of the complaint in writing to the Complainant (either by letter or email) within 5 school days.

Within this response, the Headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Headteacher can consider whether a face-to-face meeting is the most appropriate way of doing this.

*Note: The Headteacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.*

During the investigation, the Headteacher (or investigator) will:

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

At the conclusion of their investigation, the Headteacher will provide a formal written response within 30 school days of the date of receipt of the complaint.

If the Headteacher 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 Forward Education Trust will take to resolve the complaint.

The Headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome.

If the complaint is about the Headteacher, or a member of the Local Academy Council/Trust Board (including the Chair or Vice-Chair), a suitably skilled member of the Trust Central Team will be appointed to complete all the actions at this stage.

Complaints about the Trust CEO must be made direct to the Chair of the Board of Trustees, via email to [complaints@fet.ac](mailto:complaints@fet.ac) and such claim will be passed to the Chair.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Local Academy Council/Trust Board or
- the majority of the Local Academy Council/Trust Board

Stage 2 will be considered by an investigator appointed by the Trust. At the conclusion of their investigation, the investigator will provide a formal written response.

### **Stage 3 - formal complaint investigated by the Local Academy Council**

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 meeting with members of the Local Academy Council's committee, which will be formed of the first two, impartial, Local Academy Council members (Trust Board if complaint is about the Trust, a Headteacher or Local Academy Council) available and one panel member who is independent of the management and running of the school.

A request to escalate to Stage 3 must be made to the Clerk to the Academy Council, via the school complaints email account, within 20 school days of receipt of the Stage 2 response.

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.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The 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 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.

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.

The complaints committee will consist of at least three members: two Local Academy Council (or Trust Board members as appropriate) with no prior involvement or knowledge of the complaint and one panel member independent of the management and running of the school. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than two Local Academy Council/Trust Board members available, the Clerk will source any additional, independent Local Academy Council/Trust Board members through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 3.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Local Academy Council/Trust Board or
- the majority of the Local Academy Council/Trust Board

Stage 3 will be heard by a committee of independent Trustees.

The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

A complainant may bring someone along to the panel meeting to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate.

For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.

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

Representatives from the media are not permitted to attend.

At least 10 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible

- request copies of any further written material to be submitted to the committee at least 5 school days before the meeting.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless there are extraordinary reasons such as a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

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

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

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school or Trusts systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the Trust with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Education Skills & Funding Agency if they are dissatisfied with the way their complaint has been handled by Forward Education Trust.

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 Forward Education Trust 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 school premises by the proprietor and the head teacher.

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.

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.

### **Next Steps**

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 Education Skills & Funding Agency after they have completed Stage 2.

The Education Skills & Funding Agency will not normally reinvestigate the substance of complaints or overturn any decisions made by Forward Education Trust. They will consider whether Forward Education Trust has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Education Skills & Funding Agency online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Education Skills & Funding Agency

Cheylesmore House

5 Quinton Road

Coventry

CV1 2WT

## **Principles of Investigating a Concern or Complaint**

The principles that will form the basis for all investigations of concerns and complaints will be that the person investigating the complaint:

- Has read this Complaints Policy to familiarise him or herself with the procedure;
- Is aware of the time limits that apply to the relevant stage and ensures that he or she complies with them;
- Establishes the nature of the complaint and what issues remain unresolved;
- Establishes what the complainant says has happened, who has been involved, and what the complainant feels would put things right;
- If necessary, interviews those involved in the matter, for example the complainant, pupils and members of staff, including those complained about;
- Allows pupils and those complained about to be accompanied during interviews, if they wish;
- Keeps a written record of the interview, and asks the interviewee to sign and date it;
- Establishes relevant facts, on a balance of probabilities, based on evidence not speculation, and keeps a written record of these;
- Provides an effective response to the complaint, addressing all issues raised (including, where relevant, complaints about the way in which the complaint has been dealt with in the earlier stages);
- Ensures that the response to the complaint includes the appropriate redress, where necessary;
- Reports the complaint and the outcome of the complaint to the Senior Leadership Team so that services can be improved;
- Deals with the investigation in an impartial, objective, fair and timely manner, keeping in mind the privacy of the parties involved.

## **Principles of Resolving a Concern or Complaint**

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. The way in which the concern or complaint is dealt with after the complainant first raises the

matter can be crucial in determining whether the complaint will escalate. To that end, members of staff will be periodically made aware of the procedure in this Complaints Policy, so that they will know what to do when a concern is raised with them.

At each stage of the complaints procedure, the investigator will consider how the complaint may be resolved. In considering how a complaint may be resolved, the investigator will give due regard to the seriousness of the complaint. It may be appropriate in order to bring the complaint to a resolution for the investigator to offer:

- An explanation;
- An apology;
- Reassurance that steps have been taken to prevent a recurrence of events which led to the complaint;
- Reassurance that the school and/or the trust will undertake a review of its policies and procedures in light of the complaint.

None of the above will constitute an admission of negligence or an acceptance of liability on behalf of the school or the trust.

At each stage in the procedure, Forward Education Trust wants to resolve the complaint. The Trust may offer mediation at any stage of the complaints process, if all parties are in agreement. Details about mediation appear later in the policy. 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 policies in light of the complaint
- an apology.

### **Principles of Notifying the Outcome of a Concern or Complaint**

Once all of the facts have been established, the investigator will write to the complainant setting out all of the issues in dispute, the results of the investigation, the decision made, the reasons for the decision, and details of any action to be taken to resolve matters or prevent a reoccurrence.

Alternatively, the investigator may wish to meet with the complainant to discuss the outcome of the investigation, the decision made, the reasons for the decision and any action to be taken directly, in which case a full written record will be made of the meeting, which the complainant will be asked to sign and date. Strictly confidential procedures such as staff disciplinary investigations or sanctions must not be referred to.

The outcome of all concerns and complaints, whether dealt with formally or informally, will be recorded centrally by the school. Examples of outcomes include:

- There was insufficient evidence to reach a conclusion, so the complaint cannot be upheld;
- The evidence did not substantiate the concern, so the complaint cannot be upheld;
- The complaint was substantiated in part or full. A brief description should be given of the remedial action being taken by the school as a consequence of the complaint. Details of the investigation or any disciplinary sanctions to be taken against a member of staff cannot be disclosed.
- The matter has been fully investigated and, as a consequence, further confidential procedures are being pursued. Strictly confidential procedures such as staff disciplinary investigations and sanctions must not be referred to

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the Headteacher or Chair of Local Academy Council, if appropriate, will determine whether the complaint warrants an investigation.

### **Time scales**

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.

### **Late Complaints**

Where a concern or complaint is raised more than three months after the incident or event (or where the complaint relates to a series of incidents or events, more than three months from the date of the latest incident or event), the school reserves the right to refuse to investigate the concern or complaint under the procedure in this Complaints Policy. However, exceptional circumstances will be taken into account when deciding whether to accept or progress a complaint.

Complaints that relate to issues concerning child protection will always be investigated under child protection procedures, irrespective of any delay in bringing the complaint.

Where the school decides that a concern or complaint which was raised late will not be investigated, the school will write to the complainant notifying them of the decision within 5 school days of the concern or complaint being raised.

If the complainant is unhappy with the decision not to investigate a concern or complaint that was raised late, the complainant may write to the Chief Executive of the Trust asking for the decision to be reviewed. The Chief Executive will be provided with all documentation relating to the concern or complaint, together with the letter from the school to the complainant, and will review the decision made. The Chief Executive will take advice from a Director of the trust. The Chief Executive will then write to the complainant with the outcome of the review within 10 school days of the date that the letter from the complainant seeking the review was received, and provide the school with a copy of the letter.

If the Chief Executive quashes the decision not to investigate the concern or complaint, it will be referred to the school to be dealt with under the procedure in this Complaints Policy in the usual way.

If the Chief Executive upholds the decision not to investigate the concern or complaint, the complainant may refer the concern or complaint to the Education and Skills Funding Agency using the procedure stated towards the end of this Complaints Policy

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

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

### **Vexatious and/or Repeated Complaints**

There may be occasions when, despite exhausting the procedure in this Complaints Policy, the complainant persists in making the same complaint to the school. There may also be occasions when a complainant raises unreasonable, persistent complaints, or raises complaints which are untrue or without substance or raises complaints about matters which do not affect them. In addition, there may be occasions when a complaint is made about a matter which is clearly so trivial that it would be a waste of the school's resources to deal with it under the formal stages of the procedure. In all of these cases, the school reserves the right to regard the complaint as vexatious and/or repeated and to refuse to investigate it under the procedure in this Complaints Policy if it appears reasonable and fair to do so, having regard to the circumstances surrounding the complaint.

Where the school decides that a complaint is vexatious and/or repeated and will not be investigated, the school will write to the complainant within 5 school days of the complaint being raised to notify them of the decision.

If the complainant is unhappy with the decision not to investigate a vexatious and/or repeated complaint, they may write to the Chief Executive to ask for the decision to be reviewed. The Chief Executive will be provided with all documentation relating to the current complaint and any previous complaints which were relevant to the decision, together with the letter from the school to the complainant, and will review the decision made. The Chief Executive will take advice from a Director of the trust. The Chief Executive will then write to the complainant with the outcome of the review within 10 school days of the date that the letter from the complainant seeking the review was received.

If the Chief Executive quashes the decision not to investigate the concern or complaint, it will be referred to the school to be dealt with under the procedure in this Complaints Policy in the usual way.

If the Chief Executive upholds the decision not to investigate the concern or complaint, the complainant may refer the concern or complaint to the Education and Skills Funding Agency using the procedure stated towards the end of this Complaints Policy.

### **Unreasonable Behaviours**

The school is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. The school will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

Behaviour may be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language
- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the Headteacher or Chair of the Local Academy Council will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from school premises.

### **Complaint Campaigns**

Occasionally the school or trust may become the focus of a campaign and receive large volumes of complaints

- All based on the same subject
- From complainants unconnected with the school.

Where the school determines that it is the focus of a campaign, the headteacher will carry out an investigation and may send a template response to all complainants.

### **Withdrawal of a Complaint**

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

## Complaint Form

Please complete and return to the relevant person as identified in this policy, who will acknowledge receipt and explain what action will be taken.

<b>Your name:</b>
<b>Pupil's name (if relevant):</b>
<b>Your relationship to the pupil (if relevant):</b>
<b>Address:</b>  <b>Postcode:</b> <b>Day time telephone number:</b> <b>Evening telephone number:</b>
<b>Please give details of your complaint, including whether you have spoken to anybody at the school about it.</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:**

**By who:**

**Complaint referred to:**

**Date:**

## **Roles and Responsibilities**

### **Complainant**

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

- explain the complaint in full as early as possible
- co-operate with the 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.

### **Investigator**

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

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

The investigator should:

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

The person dealing with the complaint or complaints committee will then determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

### **Complaints Co-ordinator**

The complaints co-ordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chair of Local Academy Council, Clerk and LAs (if appropriate) to ensure the smooth running of the complaints procedure
- be aware of issues regarding:
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

### **Complaint Handler (Clerk to the Local Academy Council)**

This person will act as point of contact for the complainant and the committee and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the committee's decision.

### **Committee Chair**

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

- both parties are asked (via the Complaint Handler) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the committee is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.

If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting

- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the committee is open-minded and acts independently
- no member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- the meeting is minuted
- they liaise with the Complaint Handler (and Complaints Co-ordinator).

### **Committee Member**

Committee members should be aware that:

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

We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.

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

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

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

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

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

If the child/young person is the complainant, the committee should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the committee should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.

However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.

- the welfare of the child/young person is paramount.

## **Mediation**

Mediation can be a good way to resolve a complaint because:

- It gives both complainant and Headteacher another opportunity to hear each other's points of view (with a third party facilitating)
- It gives the third party an opportunity to help Headteacher and complainant explore and build on areas of agreement
- It gives Headteacher and complainant a structure within which they can resolve remaining differences.
- If both complainant and Headteacher emerge from the mediation satisfied, that is the best foundation for a continuing positive relationship between them.
- Even if the complaint continues to a Local Academy Council or Trustees' panel, the issues to be considered should be much clearer.

Mediation may elicit one or more of the responses listed below from either party:

- an acknowledgment that the complaint is valid in whole or in part.
- an apology;
- an explanation;

- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- a commitment to review school policies in light of the complaint.

Recourse to mediation must be with the agreement of both parties and is intended to help arrive at a mutually agreeable solution —it is not possible to impose this on either party. Nor does it prevent a complainant having recourse to formal appeals procedures as detailed. In-house mediation.

Many chairs of Local Academy Councils and other Local Academy Council members have the skills to conduct a mediation process between their Headteacher and a complainant. The skills and attributes include:

- ability to listen impartially to both sides
- ability to control a dialogue so that both sides listen to each other
- ability to summarise the arguments and focus the dialogue
- ability to identify areas of agreement that might form a basis for resolving one or more of the issues relating to the complaint
- understanding that solutions cannot be imposed and that both parties need to be satisfied with whatever is resolved.
- understanding that mediation does not always work and there is a further step available to complainants.