

# Complaints Procedure

Review Date	Reviewer	Adopted	Implementation
September 2016	J Barker	September 2016	1 September 2016
July 2018	J Barker	July 2018	1 September 2018
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April 2023			

## Revision History

Issue No.	Page No.	Revisions Made	Date
4	6	Updated scope of procedure: removed reference to complaints regarding school re-organisation and DFE dealing with National Curriculum complaints.	April 2021
	8	Formal complaints relating to a Headteacher/Head of School to be dealt with by Chair of the Local Academy Council.	
	10	CEO will deal with Stage 2 complaints relating to the Chair of the Local Academy Council.	
	11	Change to procedure if the complainant is unable to attend the Panel Hearing it will go ahead based on written submissions from all parties involved.	
	13	Deadlines updated for Complaints escalated to/about the Trust, CEO or Trustee	
	16	Included new section on record keeping which includes reference to DPA 2018 and GDPR.	
	17	Included new section on Complaint campaigns.	
	19	Included new sections on Communication strategy and deciding when to stop responding.	

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## 1.0 Introduction

The procedure will be used in all Academies across the North East Learning Trust (NELT) for all complaints raised. The Trust will review this procedure every two years and assess its implementation and effectiveness. The Trust will monitor the procedure to ensure that all complaints are handled in accordance with the procedure.

A copy of the Complaints Procedure is available from the reception of the Academies across the Trust and is published on the following websites:

- [www.nelt.co.uk](http://www.nelt.co.uk)
- [www.ashingtonacademy.co.uk](http://www.ashingtonacademy.co.uk)
- [www.bedlingtonacademy.co.uk](http://www.bedlingtonacademy.co.uk)
- [www.browneyacademy.co.uk](http://www.browneyacademy.co.uk)
- [www.diamondhallacademy.co.uk](http://www.diamondhallacademy.co.uk)
- [www.easingtonacademy.co.uk](http://www.easingtonacademy.co.uk)
- [www.hermitageacademy.co.uk](http://www.hermitageacademy.co.uk)
- [www.sacristonacademy.co.uk](http://www.sacristonacademy.co.uk)
- [www.shottonhallschool.co.uk](http://www.shottonhallschool.co.uk)
- [www.teesdaleschool.com](http://www.teesdaleschool.com)

The Trust provides a good education for all our children and young people and all staff work very hard to build positive relationships with all parents/carers, the local community and other stakeholders. However, there is a statutory obligation to have in place a complaints procedure and that any such complaints will be dealt with in accordance the guidance set out by the Department for Education (DfE), The Education Funding Agency (EFA) and the Education (Independent School Standards) (England) Regulations 2014, Schedule 1, Part 7.

The Trust aims to be fair, open and honest when dealing with any complaint. When considering a complaint, we endeavour to deal with them as swiftly as possible. We aim to resolve any complaint through dialogue and mutual understanding, and in all cases, we put the interests of the child above all other issues. Our procedure provides sufficient opportunity for any complaint to be fully discussed and then resolved.

This aim of this procedure is to:

- Encourage resolution of problems by informal means wherever possible;
- Be easily accessible and publicised;
- Be simple to understand and use;
- Be impartial;
- Be non-adversarial;
- Allow swift handling by adhering to time limits for action and keeping people informed of the progress. Delays within the process will be communicated to all parties;

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- Ensure a full and fair investigation by an independent person where necessary;
- Respect people’s desire for confidentiality;
- Address all the points at issue and provide effective response and appropriate redress, where necessary;
- Provide information to the Trust and the Academy’s Senior Leadership Team (SLT) to enable services to be improved.

The policy will ensure that we are clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

To be effective, the application of the procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

## 2.0 Who can make a complaint?

This procedure is not limited to parents/carers of children that are registered at any of our Academies. Any person, including members of the public, may make a complaint about any of the facilities or services we provide.

## 3.0 Scope

This procedure covers all complaints about any provision of community facilities or services by the Trust and its Academies, 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> </ul>	Concerns about admissions should be raised with the appropriate Local Authority.
<ul style="list-style-type: none"> <li>• Matters likely to require a Child Protection Investigation</li> </ul>	Complaints about child protection matters are handled in accordance with the Trust’s Safeguarding Policy and in accordance with relevant statutory guidance.  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).
<ul style="list-style-type: none"> <li>• Exclusion of children from school*</li> </ul>	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> .

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	<i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i>
<ul style="list-style-type: none"> <li>Whistleblowing</li> </ul>	<p>We have a Whistleblowing Policy 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 whistle-blowers 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 school should complain through the school's 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>	Complaints from staff will be dealt with under the Trust's Grievance Procedure.
<ul style="list-style-type: none"> <li>Staff conduct</li> </ul>	<p>Complaints about staff will be dealt with in accordance with the Trust's HR policies and procedures, if appropriate.</p> <p>Complainants will not be informed of any 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>Third Party Suppliers using Trust premises (this includes private providers of after-school clubs, childcare and sporting activities)</li> </ul>	Third party suppliers will deal with complaints in accordance with their policies and procedures.

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 this happens, we will inform you of a proposed new timescale.

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If a complainant commences legal action against the Trust and/or any of its Academies 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.

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

The policy will ensure that we are clear about the difference between a concern and a complaint. We will take concerns seriously at the earliest stage to reduce the numbers that develop into complaints.

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.’*

The Trust acknowledges that 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 complaint’s procedure. The Trust takes concerns very seriously and will make every effort to resolve the matter as quickly as possible.

If the person has difficulty discussing a concern with a particular member of staff, we will respect their views. In such a case, the Executive Head/Head of School/Headteacher will refer you to another member of staff. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Executive Head/Head of School/Headteacher will refer you to another staff member. The member of staff may be more senior but there is no requirement for this, the Trust believes that the ability to consider the concern objectively and impartially is more important.

The Trust appreciates that there are occasions when people would like to raise their concerns formally. In this case, we will attempt to resolve the issue internally, through the stages outlined within this complaint’s procedure.

#### **5.0 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.

Concerns/complaints raised in person, in writing (including email) and/or by telephone with staff including Class Teachers/Heads of Year/Year Managers/Student Support Officers will be treated as informal complaints (Stage 1). If the issue remains unresolved, the next step is to make a formal complaint. All formal complaints must be made in writing, unless there is sufficient reason for the person making the complaint to request a reasonable adjustment be made to amend this.

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Formal complaints (Stage 2) about an incident in school and/or a member of staff should be made in the first instance, to the Head of School/Headteacher. Please mark them as Private and Confidential.

Formal complaints (Stage 2) that involve or are about the Head of School/Headteacher should be marked 'Private and Confidential' and addressed to Chair of the Local Academy Council c/o Governance Manager, c/o North East Learning Trust, Traynor House, Traynor Way, Whitehouse Business Park, Peterlee, SR8 2RU (email: [joanne.barker@nelt.co.uk](mailto:joanne.barker@nelt.co.uk)).

Formal complaints (Stage 2) that involve or are about the Chair of the Local Academy Council, any individual governor or the whole Local Academy Council will be dealt with by the CEO and should be marked as 'Private and Confidential' and sent to the Governance Manager, c/o North East Learning Trust, Traynor House, Traynor Way, Whitehouse Business Park, Peterlee, SR8 2RU (email: [joanne.barker@nelt.co.uk](mailto:joanne.barker@nelt.co.uk)).

Formal complaints (Stage 2) against the CEO should be marked as 'Private and Confidential' and sent to the Chair of the Trustees, c/o North East Learning Trust, c/o Traynor House, Traynor Way, Whitehouse Business Park, Peterlee, SR8 2RU (email: [joanne.barker@nelt.co.uk](mailto:joanne.barker@nelt.co.uk)).

For ease of use, a template complaint form (Appendix 1) is included at the end of this procedure. Advice and support on completing the form, is available from the Governance Manager. Independent advice and support is also available from third party organisations, for example, Citizens Advice.

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 hearings in accessible locations.

Concerns and/or complaints must not be made to individual Governors and/or Trustees. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 and/or Stage 3 of the procedure.

## 6.0 Anonymous complaints

Anonymous complaints will not normally be investigated. Anonymous complaints received by an individual Academy will be shared with the Governance Manager who will pass the complaint to the CEO who will then determine whether the complaint warrants an investigation.

## 7.0 Time scales

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents.

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Complaints made outside of this time frame will only be considered if exceptional circumstances apply.

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

Complaints made outside of term time will be considered on the basis that it was received on the first school day after the holiday period.

### **9.0 Resolving complaints**

At each stage in the procedure, the aim is to resolve the complaint. If appropriate, it may be acknowledged that the complaint is upheld in whole or in part. In addition, one or more of the following may be offered:

- 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 Trust/Academy policies in light of the complaint
- An apology.

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

If a complainant wants to withdraw their complaint, this must be confirmed in writing, an email to the Governance Manager ([joanne.barker@nelt.co.uk](mailto:joanne.barker@nelt.co.uk)) will suffice.

### **11.0 Dealing with concerns/complaints**

#### **Informal complaints – Stage 1**

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns raised with Class Teachers/Heads of Year/Year Managers/Student Support Officers will be treated as informal complaints. They will be investigated and the person making the informal complaint will be asked how they believe the complaint may be resolved. On conclusion of the investigation, the person investigating the informal complaint will provide an informal written response (either by letter or email) within 5 school days of the date of receipt of the informal complaint.

If the issue remains unresolved, the next step is to make a formal complaint.

#### **Formal complaints – Stage 2**

On receiving the formal complaint, the Head of School/Headteacher will inform the Executive Head and the Governance Manager. The Governance Manager will

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acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days.

Within the acknowledgement, the Governance Manager will confirm the process to be followed along with the deadline date for a response. The Governance Manager may also, where appropriate, seek to clarify the content of the complaint, including what remains unresolved and what outcome the complainant may wish to see.

The Head of School/Headteacher may choose to delegate the investigation to another member of the Academy's Leadership Team, however the decision regarding the outcome of the complaint will be made by the Head of School/Headteacher.

The Head of School/Headteacher/Investigating Officer will consider whether a face to face meeting is the most appropriate way of doing this. If the Head of School/Headteacher/Investigating Officer arranges such a meeting, another member of staff will attend the meeting to take notes.

During the investigation, Head of School/Headteacher/Investigating Officer will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish. The Head of School/Headteacher/Investigating Officer will arrange for a member of staff to take notes at all meetings arranged as part of the investigation.
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of their investigation, the Head of School/Headteacher will provide a formal written response within 15 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 that the Academy will take to resolve the complaint.

The letter will also include how to escalate the complaint to Stage 3 should the complainant remain dissatisfied with the outcome of Stage 2.

The Chair of the Local Academy Council will complete all the actions at Stage 2 (see above) when dealing with complaints relating to the Head of School/Headteacher and/or a member of the Local Academy Council.

The CEO will complete all the actions at Stage 2 (see above) when dealing with complaints relating to Chair of the Local Academy Council, the entire Local Academy Council and/or the majority of the Local Academy Council.

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### Panel Hearing - Stage 3

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to a Panel Hearing (Stage 3) consisting of at least three people who were not directly involved in the matters detailed in the complaint. The membership of the panel will include two Governors from the Local Academy Council and one panel member who is independent of the management and running of the school. This is the final stage of the Complaints Procedure.

A request to escalate a complaint to a Panel Hearing (Stage 3) must be made in writing (email will suffice) to the Governance Manager, within 10 school days of receipt of the Stage 2 response. The request should include clear reasons as to why the complainant believes the complaint is unresolved and confirmation of any possible outcome that would resolve the issues.

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

The Governance Manager will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days.

In the acknowledgement, the Governance Manager will write to the complainant to confirm that we will aim to convene a hearing within 20 school days of receipt of the request to escalate to a Panel Hearing (Stage 3). If this is not possible, the Governance Manager will provide an anticipated date and keep the complainant informed.

If the complaint is:

- jointly about the Chair and Vice Chair; or
- the entire Local Academy Council; or
- the majority of the Local Academy Council.

The Panel Hearing at Stage 3 will be heard by the two trustees and an independent panel member.

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

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

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Representatives from the media are not permitted to attend.

At least 10 school days before the hearing, the Governance Manager will:

- confirm and notify the complainant of the date, time, and venue of the hearing, 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 additional information to be submitted to the Governance Manager for circulation at least 7 school days before the hearing.

Any additional written material will be circulated to all parties at least 5 school days before the date of the hearing. 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.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the hearing. The hearing will then proceed in the complainant's absence on the basis of written submissions from both parties.

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

The hearing will be held in private. Electronic recordings of meetings and/or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before the recording of a hearing takes place. Consent will be recorded in any minutes taken.

Further information about the Panel Hearing is included in Appendix 2 and Appendix 3 is the procedure that will be followed at Panel Hearings.

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.

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.

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

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The response will provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions to be taken to resolve the complaint.

The response 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 also be available for inspection on the school premises by the proprietor and the Head of School/Headteacher as appropriate.

A written record will be kept of all complaints, and whether they are resolved at the preliminary stage or proceed to a Panel Hearing.

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

If a complaint is escalated to “the Trust” or if a complainant wishes to complain directly about the Trust, then the complaint should be sent to the CEO to be investigated.

The CEO will write to the complainant acknowledging the complaint within 2 school days of the date that the written request was received. The acknowledgement will confirm that the complaint will now be investigated under Stage 2 of this Complaints Procedure and will confirm the date for providing a response to the complainant.

Following the investigation, the CEO will write to the complainant confirming the outcome within 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 10 school days of the date that the letter was received, explaining the reason for the delay and providing a revised date.

If the complaint concerns the CEO or a Trustee, the complaint will be investigated by the Chair of the Trustees. If a formal complaint form is received about the Chair, the complaint will be referred to another Trustee for investigation

Where the Chair of the Trustees has investigated the complaint, they will write the outcome letter to the complainant and provide a copy to the CEO.

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to a Panel Hearing (Stage 3).

A request to escalate a complaint to a Panel Hearing (Stage 3) must be made in writing (email will suffice) to the Governance Manager, within 10 school days of receipt of the Stage 2 response. The request should include clear reasons as to why the complainant believes the complaint is unresolved and confirmation of any possible outcome that would resolve the issues.

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

The Governance Manager will record the date the request to escalate to a Panel Hearing is received and acknowledge receipt of the request in writing (either by letter or email) within 2 school days.

In the acknowledgement, the Governance Manager will write to the complainant to confirm that we will aim to convene a hearing within 20 school days of receipt of the request to escalate to a Panel Hearing (Stage 3). If this is not possible, the Governance Manager 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 hearing. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

If the complaint is:

- jointly about the Chair and Vice Chair; or
- all Trustees; or
- the majority of the Trustees.

Stage 3 will be heard by a completely independent panel.

The panel will consist of three members. None of the three members of the 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.

One of the panel members will be independent of the management and running of the Trust. This means that the independent panel member will not be a Trustee or an employee of the Trust.

In the exceptional circumstance that all Trustees are included in the complaint or are aware of the substance of the complaint before the review panel stage, the Trust will (where reasonably practicable) arrange for an entirely independent panel to hear the complaint. This will be sourced from another Academy Trust.

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

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For instance, if an employee of the Trust is called as a witness in a Panel Hearing, they may wish to be supported by union and/or legal representation.

Representatives from the media are not permitted to attend.

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

- confirm and notify the complainant of the date, time and venue of the hearing, 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 additional information to be submitted to the panel at least 7 school days before the hearing.

Any written material will be circulated to all parties at least 5 school days before the date of the hearing. 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.

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

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

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.

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.

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

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 the Trust will take to resolve the complaint.

The letter to the complainant will include details of how to contact the Education and

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Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled.

The response will also be retained by the Trust and available for inspection by the proprietor as appropriate.

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.

### **13.0 Next steps**

If the complainant believes the Academy/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.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust and/or its Academies. They will consider whether 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](#) has been adhered to.

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 2W

### **14.0 Record keeping**

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. Records will include copies of letters, emails and notes relating to meetings and phone calls. The written records will be in accordance with Part 7 of the Education [Independent School Standards] Regulations 2014, sub-paragraph [e] with details of whether they were resolved following a formal procedure, or progression to a Panel Hearing.

This material will be treated as confidential and held centrally and will be viewed only by those involved in investigating the complaint or members of the Hearing Panel.

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Findings and recommendations of the panel will be available on the school premises for inspection by the proprietor and the Headteacher/Head of School/CEO/Deputy CEO.

This is except where the Secretary of State [or someone acting on his/her behalf] or the complainant requests access to records of a complaint through a Freedom of Information (FOI) request or under the terms of the Data Protection Act 2018 and the General Data Protection Regulation (GDPR), or where material must be made available during a school inspection under Section 109 of the 2008 Act where access is requested.

Records of complaints will be held for three years from the completion of a particular complaints procedure. Where the complaint involves a child/young person, the complaint will be kept on file in accordance with the statutory requirements.

Details of the complaint, including the names of individuals involved, will not be shared with the whole Trustees in case a review panel needs to be organised at a later date.

### **15.0 Complaint campaigns**

In the unfortunate circumstance that an Academy within the Trust becomes the focus of a campaign and as a result receives large volumes of complaints that are all based on the same subject and/or from complainants not connected to the Academy we will deal with this as follows:

- Send a template response to all complainants;
- Publish a single response on the Academy website.

Complainants who remain dissatisfied with the response will be directed to the ESFA.

### **16.0 Managing serial and unreasonable complaints**

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

The Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the Academy, such as, if the complainant:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance

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- Refuses to co-operate with the complaint's investigation process
- Refuses to accept that certain issues are not within the scope of the complaint's procedure
- Insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice
- Introduces trivial or irrelevant information which they expect to be considered and commented on
- Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
- Changes the basis of the complaint as the investigation proceeds
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- Seeks an unrealistic outcome
- Makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- Uses threats to intimidate
- Uses abusive, offensive or discriminatory language or violence
- Knowingly provides falsified information
- Publishes unacceptable information on social media or other public forums.

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

- Complaints which are obsessive, persistent, harassing, prolific, repetitious
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
- Insistence upon pursuing meritorious complaints in an unreasonable manner
- Complaints which are designed to cause disruption or annoyance
- Demands for redress that lack any serious purpose or value.

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Complainants should try to limit their communication with the Academy that relates to their complaint, while the 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.

The Trust will not refuse to accept further correspondence or complaints from an individual that has repeatedly and/or excessively contacted the Academy. The application of a 'serial or persistent' marking will be against the subject of the complaint rather than the complainant.

Whenever possible, CEO/Deputy CEO will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking.

If the behaviour continues, the CEO/Deputy CEO will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact an Academy causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from all Trust premises. Further information can be found in the Trust's Dealing with Violence and Aggression Policy.

### **17.0 Communication strategy for persistent correspondents**

Where an individual's behaviour is causing a significant level of disruption, the Trust will:

- Restrict the individual to a single point of contact via an email address.
- Limit the number of times that contact can be made, e.g. a fixed number of contacts per term.

The Trust acknowledges that regardless of the application of any communication strategy, parents and carers will receive the information they are entitled to under The Education (Pupil Information) (England) regulations 2005, within the statutory timeframe.

Should an individual persist to the point that their behaviour may constitute harassment, the Trust will seek legal advice.

### **18.0 The decision to stop responding**

The decision to stop responding to an individual will never be taken lightly and will not be made until the Trust are confident that:

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- Every reasonable step has been taken to address the complainant's concerns;
- The complainant has been given a clear statement of the Trust and/or Academy's position and their options;
- The complainant continues to contact the Trust and/or Academy repeatedly, making substantially the same points each time.

The Trust will also take into consideration the following when making the decision to stop responding to a complaint:

- The individual's letters, emails or telephone calls are often and/or always abusive or aggressive.
- The individual makes insulting personal comments about or threats towards staff
- The Trust have reason to believe the individual is intent on causing disruption or inconvenience through their excessive contact.

Where the Trust decides to stop responding the individual will be informed in writing.

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## Appendix 1 – Formal Complaint – Stage 2

<b>Your name</b>	
<b>Your child's name</b>	
<b>Your child's tutor group</b>	
<b>Academy your child attends</b>	
<b>Your address including postcode</b>	
<b>Name of Academy your complaint is against</b>	
<b>Daytime telephone number:</b>	
<b>Evening telephone number:</b>	
<b>E-mail address:</b>	

### Details of your complaint

<b>Please provide full details of your complaint, including relevant dates and persons concerned where possible in the box below. (please continue on a separate sheet if necessary)</b>

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**What action, if any, have you already taken to try and resolve your complaint**  
*(Please include details of who you spoke with and their response).*

**How do you feel the problem could be resolved at this stage?**

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**Please attach any paperwork you feel is relevant to your complaint. You may wish to provide details of any attachments.**

**Signature**

**Date**

**Please return the completed form to the relevant person as confirmed in the Trust's Complaints Procedure**

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## Appendix 2 – Panel Hearing

The panel will consist of at least 3 members, who have had no prior connection with the complaint and at least one of these must be an independent panel member. This will ensure that the panel has the benefit of an external source of scrutiny and challenge when considering the complaint. The independent panel member should not be a member, trustee or employee of the Academy. The Trust will not use any person who has a clear connection with the Trust and its Academies (e.g. a solicitor who routinely handles legal matters for the Trust) as an independent panel member.

The Trust may use a Governor from another Local Academy Council with the Trust, who has no conflict of interest or prior knowledge of the complaint as an independent panel member.

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 Trustees who will not unreasonably withhold consent.

The person escalating their complaint to a panel may be accompanied at the hearing. The DFE guidance and the regulations recommend that neither the complainant nor the Academy bring legal representation as these hearings are not form of legal proceedings.

In cases where the person making the complaint is a child/young person the Trust will ask in advance if any support is needed to assist them in the presentation of their complaint. Where the parent/carer is the complainant, the Trust will allow the parent/carer to decide if the child/young person should attend. However, parents/carers need to be aware that this may not always be possible should the panel consider it is not in the child/young person's best interests.

The panel will also ensure that the child/young person does not feel intimidated by the atmosphere and proceedings during the hearing.

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

The welfare of the child/young person is paramount.

The aim of the Panel Hearing will be:

- reconciliation
- to put things right that may have gone wrong

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The panel will make findings and recommendations, a copy of which will be provided to the person making the complaint and, where relevant, the person complained about.

The outcome letter will also include the conclusions and reasons for any decisions and any further rights of appeal.

### **Appendix 3 - Procedure for the Panel Hearing in respect of a complaint**

- The Chair will welcome all parties to the Hearing and following introductions will confirm the purpose of the hearing and the procedure to be followed.
- The Complainant will be invited to present their reasons as to why they believe the complaint remains unresolved and what outcome they are seeking that would potentially resolve their complaint.
- The Executive Head/Head of School/Headteacher will be offered the opportunity to ask questions of the Complainant.
- Members of the panel will be offered the opportunity to ask questions of the Complainant.
- The Executive/Head of School is then invited to confirm the actions taken by the school to resolve the complaint.
- The Complainant will be given the opportunity to ask questions of the Head of School.
- Members of the panel will be offered the opportunity to ask questions of the Executive/Head of School.
- The Executive Head/Head of School/Headteacher is then invited to sum up the school's actions and response to the complaint.
- The complainant is then invited to sum up their complaint.
- At this stage both the Complainant and the Executive Head/Head of School/Headteacher will leave the hearing allowing members of the panel to deliberate. A written response will be agreed and sent by the Governance Manager to the Complainant within 5 school days. The Executive Head/Head of School/Headteacher will also receive a copy of the outcome letter.

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