



## Complaints Policy

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## Version History

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## 1. Aims

Our Trust aims to meet its statutory obligations when responding to complaints from parents of pupils at the academy, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Treat complainants with respect and courtesy
- Make sure any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into Academy and Trust improvement evaluation processes

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

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

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

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

## 2. Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils in our Trust.

It is also based on guidance published by the Department for Education (DfE).

This policy complies with our Funding Agreement and Articles of Association.

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

### 3. Definitions and scope

#### 3.1 Definitions

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

- A **concern** is defined as “an expression of worry or doubt over an issue considered to be important for which reassurances are sought”
- A **complaint** is defined as “an expression of dissatisfaction however made, about actions taken or a lack of action”

#### 3.2 Scope

This policy does **not** cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Suspension and permanent exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline
- Withdrawal from the curriculum (parents and carers can withdraw their child from any aspect of religious education, including the daily act of collective worship. They do not have to explain why)

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use trust premises or facilities should be directed to the provider concerned.

### 4. Roles and responsibilities

#### 4.1 The complainant

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

- Follow these procedures
- Co-operate with the Academy or Trust throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Do not publish details about the complaint on social media

#### 4.2 The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- Interview all relevant parties, keeping notes
- Consider records and any written evidence and keep these securely

- Prepare a comprehensive report to the headteacher or Director of Governance, which includes the facts and potential solutions

#### **4.3 The complaints co-ordinator**

The complaints co-ordinator can be:

- The Principal
- The Vice Principal
- Director of Governance
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with those involved
- Be aware of issues relating to:
  - Sharing third-party information
  - Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person
- Keep records

#### **4.4 Clerk to the Trust board**

The clerk will:

- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

#### **4.5 Committee Chair**

The committee chair will:

- Chair the meeting, ensuring that everyone is treated with respect throughout
- Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

### **5. Principles for investigation**

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

## 5.1 Time scales

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

When complaints are made out of term time, we will consider them to have been received on the next school day.

If at any point we cannot meet the time scales we have set out in this policy, we will:

- Set new time limits with the complainant
- Send the complainant details of the new deadline and explain the delay

## 5.2 Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the Trust's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. Academies will keep a record of the complaint (see section 10) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that an Academy is not meeting Early Year Foundation Stage requirements, by:

- Calling 0300 123 4666
- Emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)
- Using the online contact form available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>

Academies will notify parents and carers if they become aware that they are to be inspected by Ofsted. Academies will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## 6. Stages of complaint (not complaints against the Trust employees, CEO or Trustees).

We have adopted a 4-stage process for dealing with these complaints:

- Stage 1 – Informal resolution
- Stage 2 – Formal investigation
- Stage 3 – Trust review
- Stage 4 – Panel hearing

### 6.1 Stage 1: informal

The Trust and its academies will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of academy staff or the Principal, either in person or by letter, telephone or email.

If the complainant is unclear who to contact or how to contact them, they should contact their Academy office.

The academy will acknowledge informal complaints within 5 school days and investigate and provide a response within 20 school days.

The informal stage will involve a meeting between the complainant and the Principal/ relevant member of staff (if appropriate).

If the complaint is not resolved informally, it will be escalated to a formal complaint.

## 6.2 Stage 2: formal

The formal stage involves the complainant putting the complaint in writing (unless the complainant has a sufficient reason to request a reasonable adjustment be made to amend this). This letter should provide details such as:

- Relevant dates and times
- The names of witnesses of events
- What the complainant feels would resolve the complaint

The letter should be submitted alongside copies of any relevant documents.

### Addressing the complaint

Complaints not involving the Principal or a member of the Academy Improvement Committee should be directed to the Principal or class teacher. This can be done by:

- Email via the academy office
- Letter addressed to the Principal, delivered to the academy office

Complaints involving the Principal or a member of the Academy Improvement Committee should be directed to the Director of Governance. This can be done by:

- Email: [info@enquirelearningtrust.org](mailto:info@enquirelearningtrust.org)
- Letter addressed to the Director of Governance, delivered to the Trust Office

### Investigation

The complainant will receive written acknowledgement of their complaint within 5 school days.

The Principal or the Director of Governance will then conduct their own investigation.

If the complaint is:

- About the Director of Governance

The CEO or Trust board will conduct the investigation.

The written conclusion of this investigation will be sent to the complainant within 20 school days.

If the Principal / CEO / Trust board 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 to be taken to resolve the complaint.

If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform The Trust Office Manager in writing within 5 school days.

### **6.3 Stage 3: Trust review**

Where the Principal has investigated the complaint and provided a response to the complainant, the Director of Governance will review this. A response will be provided to the complainant following this review.

If the complainant is not satisfied with the response to the review and wishes to proceed to the next stage of this procedure, they should inform the Trust Office Manager in writing within 5 school days.

### **6.4 Stage 4: Complaint review panel**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at Stage 3; Trust review stage.

The panel will be appointed by or on behalf of the Trust and must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the academy.

If the complaint is:

- About the Director of Governance

The panel will be made up of Trustees and an independent panel member.

The panel will have access to the existing record of the complaint's progress (see section 10).

The complainant will only be invited to the panel at the discretion of the Chair of the Panel. Where the Chair invites the complainant, reasonable notice of the date of the review panel will be given, however, the panel reserves the right to convene at their convenience rather than that of the complainant.

The clerk will aim to find a date within 20 school days of the request, where possible.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting.

### **At the meeting**

The meeting 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 will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.



At the review panel meeting, the complainant and representative/s from the academy, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We don't encourage either party to bring legal representation but will consider it on a case-by-case basis. For instance, if an academy employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

Representatives from the media are not permitted to attend.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the academy representative(s), where appropriate, will be given the chance to ask and reply to questions. Once the complainant and academy representative(s) have presented their case, they will be asked to leave and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Trust and Principal.

## The outcome

The committee can:

- Uphold the complaint, in whole or in part
- Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- Decide the appropriate action to resolve the complaint
- Where appropriate, recommend changes to the academy's systems or procedures to prevent similar issues in the future

The academy will inform those involved of the decision in writing within 5 school days.

## 7. Complaints about the Trust, CEO or Trustees

### 7.1 Stage 1: informal

We make every effort to address any concerns or complaints early through informal measures.

The complainant should raise any concerns as soon as possible with the relevant member of the Trust's central team, or the Chief Executive Officer (CEO).

If the concern regards the CEO, the complainant should contact the Chair of the Board of Trustees.

If the complainant is unsure who to contact, or needs to contact the Chair of the Board of Trustees, they should contact the Trust office at [info@enquirelearningtrust.org](mailto:info@enquirelearningtrust.org) or 01924 792960.

The process for responding to and investigating an informal complaint about the Trust or central staff is the same as that set out in section 6.

## 7.2 Stage 2: formal

If the complaint is not resolved satisfactorily at the informal stage, the complainant must submit a formal complaint in writing.

The complainant will receive written acknowledgement of their complaint within 5 school days.

The investigating officer will then conduct an investigation, in line with the process set out in section 6.2 above, providing a written response to the complainant within 5 school days.

## 7.3 Stage 3: Complaint Review Panel

### Convening the panel

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage.

A panel will be appointed by the Trust and will consist of 3 members of the Board not involved in investigating the complaint in the formal stage.

If the complaint is:

- Jointly about the Chair and Vice-Chair or
- The entire Trust Board or
- The majority of the Trust Board

The panel will be entirely made up of independent members.

The complainant must have reasonable notice of the date of the review panel, however, the panel reserves the right to convene at their convenience rather than that of the complainant.

The clerk will aim to find a date within 20 school days of the request, where possible.

Any written material will be circulated to all parties at least 3 school days before the date of the meeting.

The complainant and representatives from the Trust, as appropriate, will be present at the panel hearing. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish.

The Board will ensure that the hearing is properly minuted.

### At the meeting

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called, as appropriate, to present their evidence.

The panel, the complainant and the academy representative(s), as appropriate, will be given the chance to ask and reply to questions. Once the complainant and academy representative(s) have presented their case, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the Trust.

The panel will inform those involved of the decision in writing within 5 school days.

## 8. Referring complaints on completion of the Academy or Trust procedures

If the complainant is unsatisfied with the outcome of the Academy or Trust complaints procedure, they can refer their complaint to the ESFA. The ESFA will check whether the complaint has been dealt with properly. The ESFA will not overturn the Academy or Trust's decision about a complaint but will intervene if an Academy or Trust has:

- Breached a clause in its funding agreement
- Failed to act in line with its duties under education law
- Acted (or is proposing to act) unreasonably when exercising its functions

If the complaints procedure is found not to meet regulations, the Trust will be asked to correct its procedure accordingly.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

We will include this information in the outcome letter to complainants.

## 9. Persistent complaints

### 9.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following this complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refused to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out
- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

### Steps the Academy/ Trust will take

The Academy/ Trust will take every reasonable step to address the complainant's concerns and give them a clear statement of the Academy/ Trust's position and their options. The Academy/ Trust will maintain the role of an objective arbiter throughout the process, including when meetings are held with individuals.

The Academy/ Trust will follow this complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the Academy/ Trust in a disruptive way, communication strategies may be put in place. The Academy/ Trust may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- Put any other strategy in place as necessary

### Stopping responding

The Academy/ Trust may stop responding to the complainant when all of these factors are met:

- The Academy/ Trust has taken all reasonable steps to help address their concerns
- The complainant has received a clear statement of the Academy/ Trust's position and their options
- The complainant contacts the Academy/ Trust repeatedly, and the Academy/ Trust believes their intention is to cause disruption or inconvenience

The Academy/ Trust will inform the individual that they intend to stop responding and explain that any new complaints will still be considered.

In response to any serious incident of aggression or violence, the Academy/ Trust will immediately inform the police and communicate these actions in writing. This may include barring an individual from the Academy/ Trust site.

## 9.2 Duplicate complaints

If the Academy/ Trust has resolved a complaint under this procedure and received a duplicate complaint on the same subject from a partner, family member or other individual, the Academy/ Trust will assess whether there are aspects that we hadn't previously considered, or any new information that needs to be taken into account.

If the Academy/ Trust is satisfied that there are no new aspects, it will:

- Tell the new complainant that the issue has already been investigated and responded to, and that the local process is complete
- Direct them to the DFE if they are dissatisfied with the original handling of the complaint

If there are new aspects, this procedure will be repeated.

## 9.3 Complaint campaigns

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

- Publishing a single response on the Academy/ Trust website
- Sending a template response to all of the complainants

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

## 10. Record keeping and confidentiality

The Academy/ Trust will record the progress of all complaints, including information about:

- Actions taken at all stages
- The stage at which the complaint was resolved
- The final outcome.

The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and stored securely and will be viewed only by those involved in investigating the complaint or on the review panel.

In the case of complaints about the Trust or central staff, these records will be managed by the clerk to the Board and will be stored securely in the Trust's offices under restricted access.

This is except where the Secretary of State (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or under the terms of the Data Protection Act, or where the material must be made available during an academy inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with Data Protection law, our privacy notices and retention Policy.

The details of the complaint, including the names of individuals involved, will not be shared with the entire Trust board in case a review panel needs to be organised at a later point.

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 Board of Trustees, who will not unreasonably withhold consent.

## 11. Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Suspension and permanent exclusion policy
- Staff grievance procedures
- Staff disciplinary procedures
- Special Educational Needs policy and information report
- Privacy notices
- Whistle Blowing