



Complaints Policy and Procedures

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Statement of intent

Lostock Hall Academy aims to resolve complaints from parents/carers of existing students and members of the public at the earliest possible stage and, where possible, informally, and is dedicated to continuing to provide the highest quality of education possible in the Academy throughout the procedure.

This policy has been created to handle complaints relating to any aspects of the provision of facilities or services against:

- Any member of staff.
- The Academy.
- Individual trustees or the Board of Trustees.

It is designed to ensure that the Academy's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality, and delivers an effective response and appropriate redress.

This policy outlines the procedure that the complainant and the Academy will follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

The Head of School and/or Chair of the Trust Board will delegate an appropriate person to be the first point of contact during the complaint's procedure.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure.

This policy is intended primarily to address complaints relating to the Academy's core business, while also ensuring that external complainants are provided with an appropriate and proportionate level of review.

In line with current Department for Education guidance, the Academy encourages clear, respectful and constructive communication when raising feedback, concerns or complaints. The Academy believes that most issues can be resolved informally and at earliest possible stage by working collaboratively with those closest to the issue.

1. Legal framework

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

- Freedom of Information Act 2000
- Education Act 2002
- Equality Act 2010
- The Education (Independent School Standards) Regulations 2014
- Immigration Act 2016
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018 HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- Department for Education (2021) 'Best practice guidance for academies complaints procedures'
- Department for Education (2022) 'Academy Trust handbook 2024'

This procedure does not cover complaints or concerns that are dealt with under other statutory procedures, including those listed below as separate procedures apply:

- Admission Policy
- Student Protection and Safeguarding Policy
- Behaviour Policy
- Suspension and Exclusion Policy
- Whistleblowing Policy
- Grievance Policy
- Data Protection Policy

2. Definitions

For the purpose of this policy, a “**complaint**” is defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action. Complaints can be resolved formally or informally.

A “**concern**” is defined as ‘an expression of worry or doubt’ where reassurance is sought. For the purpose of this policy, concerns will be classed and addressed as complaints.

Any complaint or concern will be taken seriously, whether raised formally or informally, and the appropriate procedures will be implemented.

The definition of “**unreasonable complaints**” is outlined in the ‘Managing unreasonable complaints’ section of this policy.

For the purpose of this policy, “**duplicate complaints**” are identical complaints received from a complainant’s spouse, partner or student. These complaints will not be addressed again and the individual making the second complaint will be informed that the complaint has been dealt with on a local level. If the individual is dissatisfied with the result, they can appeal to the Department for Education, as outlined in ‘The role of the Department for Education’ subsection of this policy. Any further details provided by a complainant’s spouse, partner or student, however, will be investigated and managed in line with the complaint’s procedure.

For the purpose of this policy, “**complaints campaigns**” are where the Academy receives large volumes of complaints that are all based on the same subject.

For the purpose of this policy, “**the Academy’s core business**” refers to matter that are intrinsic to the Academy’s statutory and operational responsibilities, including (but not limited to):

- The education, Welfare, safeguarding discipline, and wellbeing of students
- The conduct, performance or actions of staff while carrying out their employed duties
- Governance, leadership, and management decisions directly affecting the operation of the Academy
- Compliance with education law, funding agreements, and statutory guidance.

“**Non-core matters**” are complaints raised by external individuals or organisations which do not relate directly to the Academy’s core business, statutory duties or the delivery of education and student welfare, but which nonetheless relate to the use of Academy facilities, services, or interactions with the Trust.

3. How to raise a concern make a complaint

Any parent, carer of existing students and members of the public, are able to raise a concern or make a complaint about the provision of facilities or services that the Academy provides. The level to which such complaints may be escalated will depend on whether the complaint relates to the Academy’s core business, as defined in this policy.

In line with Department for Education guidance, complainants are encouraged to consider who is best placed to resolve their issue before raising a formal complaint. In many cases, issues can be resolved quickly and effectively by speaking with the person closest to the matter.

As a general guide:

- Issues relating to classroom practice or day-to-day matters should be raised with the relevant class teacher or form tutor.
- Issues relating to behaviour, bullying or pastoral matters may be raised with a senior leader
- Whole-school issues, serious concerns, safeguarding matters, staff conduct or health and safety concerns should be raised with the Head of School.

Where earlier attempts to resolve an issue have not been successful, complainants may escalate the matter in line with this policy.

The Academy will not normally investigate anonymous complaints.

Individuals raising concerns or making complaints about issues relating to separate statutory procedures will be referred as follows:

- **Admissions** – referred to the appeals process outlined in the Admissions Policy.
- **Student protection** – referred to safeguarding procedures outlined in the Student Protection and Safeguarding Policy.

- **Exclusion** – referred to the procedures outlined in the Behaviour Policy and Suspension and Exclusion Policy.
- **Whistleblowing** – referred to the internal whistleblowing procedures outlined in the Whistleblowing Policy.
- **Staff grievances** – referred to the internal grievance procedures outlined in the Grievance Policy.
- **Staff code of conduct** – referred to the internal disciplinary procedures.
- **Third-party suppliers using school premises or facilities** – referred to separate complaint's procedures.

Complaints raised by external individuals or organisations which do not relate to the Academy's core business will normally be considered up to Stage two (formal complaint) of the procedure. Such complaints will be investigated thoroughly and responded to in writing but will not ordinarily progress to a Stage Three panel hearing unless exceptional circumstances apply.

The school will ensure any third-party supplier using school premises or facilities to offer community facilities or services has its own complaints procedures in place and such complaints do not fall within the scope of this policy.

All other concerns or complaints will be directed towards the procedures laid out in this policy.

Complainants may make complaints in person, in writing or by telephone. Complaints should be made using the appropriate channels of communication.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.

The Academy upholds a three-month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will be considered in exceptional circumstances. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.

Complaints received outside of term time will be treated as being received on the first school day after the holiday period.

A complaint can progress to the next stage of the procedure even if it is not viewed as "justified." All complainants are given the opportunity to fully complete the complaints procedure.

Complaints about Academy staff or trustees

Complaints against staff will:

- Be dealt with by the Head of School.
- Follow the complaints procedure, including a panel hearing where applicable.

Complaints against the Head of School will:

- Be dealt with by the Chair of the Trust Board.
- Follow the complaints procedure, including a panel hearing where applicable.

Complaints against trustees will:

- Be made in writing to the Governor Professional, who will arrange for them to be heard.
- Be dealt with by the Chair of the Trust Board.
- Involve a panel hearing where applicable.

Complaints against the Chair of the Trust Board will:

- Be made in writing to the Governor Professional, who will determine the most appropriate course of action dependent on the nature of the complaint.

Complaints against the Trust will:

- Be dealt with by the Chair of the Trust Board.
- Begin with stage two of the Complaints procedure outlined in this policy, i.e. via a formal, written complaint.

The Governor Professional to the Board of Trustees will write to the complainant to acknowledge their complaint within **15** school days of receiving it. If appropriate, the Chair of the Trust Board will investigate the complaint and provide an initial response.

Where the complainant is not satisfied with the outcome of the initial response, they will be prompted to write to the Governor Professional to the Board of Trustees to ask for the complaint to be held before a panel within **10** school days. The Governor Professional will record the date this complaint is received and will respond within **10** school days. The panel hearing will be organised in accordance with stage three of the Complaints procedure.

If a complaint is escalated beyond the panel, its resolution may involve sourcing an independent investigator to deal with the complaint.

In exceptional circumstances, where it is necessary to deviate from the complaint's procedure, this deviation will be appropriately documented.

Information about a complaint will not be disclosed to a third party without written consent from the complainant.

4. Roles and responsibilities**The complainant will be responsible for:**

- Not publishing details about the complaint on social media.
- Cooperating with the Academy in seeking a solution to the complaint.
- Expressing the complaint and their concerns in full at the earliest opportunity.
- Promptly responding to any requests for information and meetings.
- Asking for assistance as needed.
- Treating anyone involved in the complaint with respect.
- Maintaining clear, respectful, and objective communication throughout the complaints process.
- Keeping a personal record of communications and relevant information relating to the complaint.
- Clearly explaining the outcome, they are seeking, where possible.

- Understanding that complaint resolution timescales may vary depending on the nature and complexity of the complaint.

In line with Department for Education guidance, complainants are expected not to publish details of complaints, allegations or associated information on social media or other public forums while a complaint is ongoing. Such actions may undermine the effectiveness of the complaints process and the ability for all parties to engage fairly.

Where complainants choose to use artificial intelligence tools to assist in drafting correspondence, this should be done with caution. Complainants remain responsible for the accuracy, tone and content of all submissions made to the Academy.

The role of the investigator will differ depending on the nature of the complaint and who it is directed at. This means that:

- For complaints against staff, the investigator will be the Head of School.
- For complaints against the Head of School, the investigator will be the Chair of the Trust Board.
- For complaints against trustees, the investigator will be the Chair of the Trust Board.
- For complaints against the Chair of the Trust Board or the Board of Trustees, the Governor Professional will appoint an appropriate person to be the investigator.

The investigator of the complaint will be responsible for:

- Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- Considering all records, evidence and relevant information provided.
- Interviewing all parties that are involved in the complaint, including staff and students.
- Analysing all information in a comprehensive and fair manner.
- Liaising with the complainant and clarifying an appropriate resolution to the problem.
- Identifying and recommending solutions and courses of actions to take.
- Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- Responding to the complainant in a clear and understandable manner.

Where complaints are escalated to a panel hearing, all complaints panel members will be aware that:

- The review panel hearing is independent and impartial.
- No individual with prior involvement in the complaint, or the circumstances surrounding it, are permitted to sit on the panel.
- The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.
- Reconciliation between the Academy and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.

- The panel can:
 - Dismiss or uphold the complaint, in whole or in part.
 - Decide on appropriate action to be taken.
 - Recommend changes that the trust can make to prevent reoccurrence of the problem.
- Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.
- When a student is present at the hearing, extra care needs to be taken to ensure that the student does not feel intimidated, as well as ensuring the student's view is represented equally.

The panel chair will:

- Ensure that minutes of the hearings are taken on every occasion.
- Explain the remit of the panel to the complainant.
- Ensure that all issues are addressed, and that outcomes are reached based on facts and evidence.
- Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any students involved.
- Conduct the hearing in a manner that ensures everyone is treated with respect and courtesy.
- Ensure that the room's layout and setting is non-adversarial yet still sets the appropriate tone.
- Confirm that no member of the panel has previously been involved in the earlier stages of the procedure or has an external interest in the outcome of the proceedings.
- Give both the complainant and the Trust the opportunity to state their case and seek clarity without undue interruption.
- Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the Governor Professional to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a student.

The role of the Department for Education

In accordance with Department for Education guidance, complaints may be referred to the Secretary of State where a complainant remains dissatisfied with how a complaint has been handled by the Academy, or where the Academy is believed to have unreasonably blocked the complaints process.

Ofsted does not investigate or resolve individual complaints or disputes between parents and schools. However, complaints may be retained by Ofsted and considered as part of inspection activity.

5. Complaints procedure

The Academy will ensure that the complaints procedure is:

- Easily accessible and publicised on its website.

- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement.
- Fairly investigated, by an independent person where necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

Progression through the complaints stages is not automatic. While all complainants are entitled to a fair investigation and response, escalation beyond Stage Two will only apply to complaints that relate to the Academy's core business. Complaints that do not meet this threshold will be concluded at Stage Two, subject to external escalation routes where applicable.

Complaint Stages

Stage One

- **Informal** – which will usually come in the form of a telephone call or an arranged meeting between a representative of the Academy and the complainant.

Stage Two

- **Formal** – where the complaint is put in writing, clearly stating what the issue is and why they are unhappy with the outcome of the informal investigation along with what the complainant is looking for to resolve it, to the Academy.

The Academy will provide written acknowledgement of formal complaints and will keep complainants informed where resolution timescales vary due to complexity or exceptional circumstances.

Stage Three

- **Panel hearing** – Stage Three is reserved for complaints relating to the Academy's core business. Where eligible, a panel will be convened consisting of at least three individuals who were not directly involved in the matters detailed in the complaint, including at least one independent panel member.

At each stage, complainants will be informed of their options for escalation if they are unsatisfied with the outcome of their complaint. The appropriate person will communicate the details of the next stage of the process when delivering the outcome of the current stage, where applicable.

To prevent later challenge or disagreement over what was said in any in-person meetings or telephone conversations at any stage of the procedure, brief notes will be kept, and a copy of any written response will be added to the record of the complaint. Notes and paper copies of any complaints and/or responses are kept securely on the Academy's secure electronic system.

6. Complaint Stages

a) Stage One – informal complaint

An informal complaint may be made in person, by telephone or in writing; however, it is preferred that initial, informal complaints are made via an arranged in-person meeting.

Where a complaint has been made about a member of staff, the complainant can discuss the concern with the Head of School, or a person delegated to hear the complaint on their behalf, to seek support.

If the concern is about the Head of School, the Chair of the Trust Board should be informed and will need to handle the complaint.

Where a complaint is made initially to a trustee, the complainant will be referred to the appropriate person.

No member of staff or trustee will act alone on a complaint outside of the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure. (The Academy has a 3-month time limit)

Within **10** school days of notification of the complaint, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution.

At this initial communication stage of the complaint, the complainant will be asked for their input as to what they believe may resolve the issue about which the complaint has been made to avoid further escalation where possible.

In line with Department for Education guidance, complainants should note that any acknowledgement by the Trust that it could have handled the situation better is not an admission of unlawful or negligent action.

If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the person managing the response to the complaint will inform the complainant about the next level of the procedure.

b) Stage Two – formal complaint

Formal complaints **must** be made in writing, clearly stating what the issue is and why they are unhappy with the outcome of the informal investigation, along with what the complainant is looking for to resolve it.

Stage Two of the process will be completed within **15** school days.

Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the person managing the complaint will contact the complainant to inform them of the revised target date via a written notification.

An appointment with the appropriate person for managing the complaint should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.

If the complaint is against the Head of School, the complainant will initially need to write, in confidence, to the Chair of the Trust Board. The Chair will seek to resolve the issue informally, e.g. by arranging a meeting with the complainant within **15** school days, before moving directly to stage three of the procedure.

Where the appropriate person has made reasonable attempts to accommodate the complainant with dates for a complaint meeting and they refuse or are unable to attend, the meeting will be convened in their absence, and a conclusion will be reached in the interests of drawing the complaint to a close.

In terms of a complaint being made against a member of staff, the Head of School will discuss the issue with the staff member in question. Where necessary, the Head of School will conduct interviews with any relevant parties, including witnesses and students, and take statements from those involved. All discussions shall be recorded by the Head of School, and findings and resolutions will be communicated to the complainant either verbally or in writing. In view of Employment Legislation and maintaining confidentiality no details will be shared only the findings relevant to the complaint and the resolution.

Once all facts are established, the person handling the complaint shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any applicable escalation options. Where the complaint does not relate to the Academy's core business, the response will confirm that Stage Two constitutes the final stage of the Trust's internal procedure.

The complainant will also be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR. Any further action the Trust plans to take to resolve the issue will be explained to the complainant in writing.

If the complainant is not satisfied with the outcome suggested, and the complaint relates to the Academy's core business, the complainant may request progression to Stage Three in accordance with this policy. A request to escalate to stage three will be made to the Governor Professional to the Board of Trustees within **10** school days of the end of stage two, i.e. communication of an outcome.

c) Stage Three – Panel Hearing

Requests to escalate a complaint to Stage Three will be reviewed to confirm that the complaint relates to the Academy's core business. Where a complaint is determined not to meet this criterion, the Governor Professional will confirm in writing that the complaint has concluded at Stage Two and will provide information about any appropriate external routes for further consideration.

Where the complaint progresses to stage three, a panel will be constituted to hear the complaint, consisting of at least three individuals who were not directly involved in the matters detailed in the complaint, and at least one independent panel member. The

independent panel member will not be a member, trustee or employee of the Academy. The Academy will also ensure the independent panel member does not have any clear connection with the school.

The Governor Professional will record the date the escalation request was received, acknowledge receipt of the complaint, and inform the complainant of the scheduled time and date of the panel hearing in writing.

The meeting will be convened within **15** school days of the receipt of the escalation request where possible. Where this is not possible, the Governor Professional will provide an anticipated date and ensure the complainant is kept up to date.

5 school days' notice will be given to all parties attending the panel hearing, including the complainant.

Prior to the hearing, the Governor Professional will have written to the complainant informing them of how the review will be conducted. The Head of School and the Chair of the Trust Board will also have a copy of this letter.

At the hearing, all participants will be given the opportunity to put their case across and discuss any issues. The meeting will allow for:

- The complainant to be present and accompanied at the hearing if they wish. The accompanying adult is there as support only.
- The complainant to explain their complaint and the individual handling the complaint to explain the reasons for their decision.
- The complainant to question the individual handling the complaint, and vice versa, about the complaint.
- Any evidence, including witnesses who have been prior approved by the Chair of the panel, to be questioned.
- Members of the panel to question both the complainant and the individual about whom the complaint was made.
- Final statements to be made by both parties involved.

Neither the complainant nor the Academy will bring legal representation to this hearing, unless in exceptional circumstances, where this will be agreed beforehand. A member of staff who may be a witness to the complaint can bring a union representative or legal representative if desired; this will be agreed before the hearing.

The Chair of the Panel has a right to adjourn the meeting to seek legal opinion or clarity on an issue.

The purpose of the hearing will be reconciliation and ensuring that things that may have gone wrong are corrected.

The complainant will receive a written response explaining the panel's findings and recommendations within **15** school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.

The panel will make findings and recommendations, and a copy of those findings and recommendations will be made available for inspection on the Academy premises by the Board of Trustees and the Head of School.

Where relevant, the person complained about will receive a summary of the panel's findings and recommendations. They will also receive a copy of the minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR.

d) Next Steps – Department for Education

If the complainant believes the school 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 the education law, they can contact the Department for Education.

This includes complaints which have concluded at Stage Two because they fall outside the Academy's core business, but where the complainant believes the Trust has acted unreasonably or unlawfully.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions, made by Lostock Hall Academy. They will consider whether Lostock Hall Academy has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at www.education.gov.uk/contactus by telephone on :0370 0002288 or by writing to:

Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

7. Resolving complaints

At each stage of the complaint's procedure, the Academy is committed to resolving the complaint. Where appropriate, the Trust will acknowledge that the complaint is upheld in whole or in part, and may offer one of the following:

- An explanation.
- An admission that the situation could have been handled better.
- An assurance that the Trust will try and ensure the incident will not occur again.
- Where appropriate, an outline 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 changes will be made.
- An undertaking to review Trust policies in light of the complaint.
- An apology.

8. Withdrawal of a complaint

Where a complainant wishes to withdraw their complaint, the Academy will ask them to confirm this in writing. Despite the complaint having been withdrawn, the Academy will still take the complainant's voice seriously and attempt to avoid causing similar distress to others in the future.

The Academy will not under any circumstances ask, or pressure an individual, to withdraw a complaint.

9. Record keeping

A written record will be kept of all complaints that are made, regardless of the stage at which they are resolved, including any action taken by the Trust as a result of those complaints whether they are upheld or not.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or an inspectorate requests access to them.

Academies are data controllers in their own right and must decide for themselves how long to keep records, unless statutory regulations apply, e.g. attendance records must be kept for 3 years. The Trust will retain records of complaints and related documents in line with the Data Protection Policy and Records Management Policy. Personal data will only be kept for as long as necessary.

10. Interviewing witnesses

When interviewing students to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents/carers. All students interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

The Academy will ensure that the conduction of interviews does not prejudice an investigation by the LA designated officer (LADO) or police.

The Academy understands the importance of ensuring a friendly and relaxed area which is free from intimidation. Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager. The interviewer will not express opinions in words or attitude, to not influence the interviewee. The interviewee will sign a copy of the transcription of the interview.

11. Recording a complaint

A written record shall be kept of any complaint made, whether made via telephone, in person or in writing, detailing:

- The key issues raised, the findings and any recommendations.
- Whether the complaint was resolved following an informal route, formal route or panel hearing.

- Actions taken by the Academy because of the complaint (regardless of whether the complaint was upheld).

All records are made available for inspection on the Academy premises by the Academy.

The Academy holds the right to use recording devices, where appropriate, to ensure all parties involved can review the discussions at a later date. Where there are communication difficulties or disabilities, the Trust may provide recording devices to ensure the complainant is able to access and review the discussions at a later point.

Recording devices will not be used without the prior consent of all parties. Consent will be recorded in any minutes taken.

The Academy will also not condone the use of covert recordings of conversations in parental discussions with staff and or trustees, particularly if the individuals concerned are not aware they are being recorded and their consent has not been obtained.

Where the Academy allows complainants to record meetings, the following will be considered:

- How any decision to allow recordings may affect any third parties called to act as witnesses
- The impact and consequences on the individuals involved in the complaint in the event that recordings are lost or leaked

The Academy will not accept as evidence any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made shall not be shared with the entire Board of Trustees. The exception to this is when a complaint is made against the whole board and they need to be aware of the allegations made against them to respond to any independent investigation.

Complainants have a right to access copies of these records under the UK GDPR and the Freedom of Information Act 2000. The Trust will hold all records of complaints from each Academy, as well as those regarding the Trust itself, centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection request to access them.

12. Exceptional circumstances

The Department for Education expects complainants to have completed the Trust's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Students are at risk of harm.
- Students are missing education.
- A complainant is being prevented from having their complaint progressed through the Trust's complaints procedure.

- The Department for Education has evidence that the Trust is proposing to act or is acting unlawfully or unreasonably.
- If a social services authority decides to investigate a situation, the Board of Trustees may postpone the complaints procedure.

13. Managing unreasonable complaints

The LHA Trust has adopted the principles of the South Ribble agreement, and this is given in full at Annex A.

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

For the purposes of this policy, “**unreasonable complaints**” include:

Vexatious complaints, which:

- Are obsessive, persistent, harassing, prolific, or repetitious.
- Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
- Insist upon pursuing meritorious complaints in an unreasonable manner.
- Are designed to cause disruption or annoyance.
- Demand for redress which lacks any serious purpose or value.

Serial or persistent complaints, which:

- Are duplicated, sent by the same complainant once the initial complaint has been closed.
- Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.
- **A complaint may also be regarded as unreasonable when 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.
- Refuses to cooperate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaint’s procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which they expect to be taken into account and commented on or 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 trust's complaints 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, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the complainant:

- Acts maliciously or aggressively.
- Uses threats, intimidation or violence.
- Uses abusive, offensive or discriminatory language.
- Knows the complaint to be false.
- Uses falsified information.
- Publishes unacceptable information in media such as social media websites, radio, TV and newspapers, or other public forums.

The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically. This list is not exhaustive, and it is at the discretion of the Trust as to what is deemed to be unreasonable.

Complainants should limit the number of communications with the Trust 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 member of staff or trustee leading the response to a complaint will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

Serial or persistent complaints will only be marked as 'serial' once the complainant has completed the complaints procedure. It is the complaint that will be marked as 'serial', meaning the complainant can complain about a separate issue if necessary.

If the behaviour continues, the individual handling the complaint will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the trust or any of its academies causing a significant level of disruption, the Academy may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

In these matters the Academy may seek further legal advice.

A decision to stop responding will only be considered in circumstances where one or more of the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.

- The complainant has been given a clear statement of the trust's position and their options.
- The complainant's communications are often or always abusive or aggressive
- The complainant makes insulting personal comments about or threats towards staff
- We have reason to believe the individual is contacting the school/trust with the intention of causing disruption or inconvenience
- The complainant contacts the Academy repeatedly, making substantially the same points each time.

Where we decide to stop responding, we will inform the individual that we intend to do so. We will also explain that we will consider any new complaints they make provided the concerns raised are materially different to those raised previously and/or are unconnected to the previous concern.

The Academy will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

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

14. Complaints campaigns

Where the Trust becomes the subject of a complaints campaign from complainants who are not connected with the Academy, a standard, single response will be published on the Academy's website.

If the Academy receives a large number of complaints about the same subject from complainants who are connected to the Academy, e.g. parents/carers, each complainant will receive an individual response.

If complainants remain dissatisfied with the Academy's response, they will be directed to the Department for Education.

15. Barring from the premises

School premises are private property and, therefore, any individual may be barred from entering the premises.

If an individual's behaviour is cause for concern, the Head of School or SLT under the direction of the Head of School will ask the individual to leave the premises.

The Head of School will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make. The individual

involved will be given the opportunity to formally express their views regarding the decision to bar them.

This decision to bar will be reviewed by the Chair of the Trust Board where escalated, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including via email, to the Head of School or Chair of the Trust Board.

16. Standard of fluency complaints

As members of a public authority, all staff are subject to the fluency duty imposed by the Immigration Act 2016, which requires staff members to have an appropriate level of fluency in English in order to teach students.

The Academy is free to determine the level of spoken communication necessary in order for staff members to develop effective performance, but it will be matched to the demands of the role in question.

The Academy will be satisfied that an individual has the necessary level of fluency appropriate for the role they will be undertaking, whether this is an existing or potential new member of staff.

If a member of the school community feels that a staff member has insufficient proficiency in spoken English for the performance of their role, they are required to follow the 'Complaints procedure' outlined in this policy.

For the purpose of this policy, a "**legitimate complaint**" is one which is about the standard of spoken English of a member of staff; complaints regarding an individual's accent, dialect, manner or tone of communication are not considered legitimate complaints. All legitimate complaints regarding the fluency duty will be handled in line with the processes detailed in this policy.

In addition to the processes outlined in this policy, the Trust will assess the merits of a legitimate complaint against the necessary standard of spoken English fluency required for the role in question.

To assess the merits, the Academy will undertake an objective assessment against clear criteria set out in the role specification or, against the level of fluency descriptors relevant to the role in question.

If the complaint is upheld, the Academy will consider what action is necessary to meet the fluency duty.

Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.

Records of complaints regarding fluency will be kept in accordance with the processes outlined in the 'Recording a complaint' section of this policy.

17. Transferring data

When a student changes school, the educational record will be transferred to the new school, and no copies will be kept.

The Academy will hold records of complaints separate to student records while a complaint is ongoing, so that access to these records can be maintained.

Information that the Academy retains relating to a complaint will be stored securely and in line with its Records Management Policy.

18. Social Media

Whilst the school accepts that complainants have a right to an opinion and make it public through the use of social media, complainants are reminded that they are not entitled to use social media to defame or harass individual staff or Trustees.

19. Calculation Time

All references in this Policy to 'days' should be taken to mean school days and therefore will not include weekends, school holidays or INSET days.

20. Availability

A copy of this policy will be made available on request. It will also be published on the Academy's website, as recommended by the Department for Education

21. Monitoring and Review

The complaints procedure will be reviewed annually, taking into account any legislative changes and the latest guidance issued by the Department for Education

Responsibility for reviewing the procedure belongs to a committee of the Board of Trustees. All projected review dates will be adhered to.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process. Any changes to this policy will be communicated to all relevant stakeholders.

A copy of this policy will be made available on request. It will also be published on the Academy's website, as recommended by the Department for Education.