



**Shaw
Education
Trust**

Compliments and Complaints Policy

(Including procedures to deal with Serial, Persistent and/or
Vexatious Complaints)

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Contents Page

Area	Page
Compliments	3
Complaints Introduction	3
Who can make a complaint?	4
Types of complaints	4
Complaints outside of this policy	5
Third Parties	6
Complaints Procedure	6
Stage 1 - Informal Resolution	7
Stage 2 - Formal Resolution	8
Stage 3 – Panel Hearing (Appeal)	9
Complaint Campaigns	12
Additional Considerations	12
Monitoring, Evaluation and Review	14
Serial, Persistent and/or Vexatious Complaints Procedure	14
Scope of this Complaints Procedure	17
Appendix 1 – Formal Complaint Form for Stages 2 / 3	19

Availability of the Compliments and Complaints Policy

It is expected that this policy will be used by each Academy within Shaw Education Trust (SET) for all compliments and complaints from parents/carers.

A copy of the Compliments and Complaints Policy must be made available from the Academy's Reception and on the Academy website. This policy is also published on the SET website.

Compliments

It is always good to receive positive feedback. This will be shared, as appropriate, with staff and students in a timely way through relevant channels such as briefings and briefing notes; email; in person; in assemblies; or via student representative groups.

Often, cards, emails and letters may be placed in prominent positions around the Academy. If parents/carers agree, their compliments can be put onto our website. Compliments can be given in any format the parents/carers or other person chooses:

- Email
- Letter or card
- Telephone
- Verbally to any member of staff
- Via the SET Website: www.shaw-education.org.uk

Complaints

1. Introduction

Shaw Education Trust aims to provide an excellent education for all our children, we expect staff to build positive relationships with all parents and stakeholders. However, the Trust is obliged to have procedures in place should parents/carers wish to raise a complaint.

We deal with all complaints in compliance with guidance and regulations set out by the Department for Education, The Education and Skills Funding Agency (ESFA) and Schedule 1, Part 7 of the Education (Independent School Standards) Regulations 2014.

Shaw Education Trust and our Academies aim to be fair, open and honest when dealing with any complaint. We endeavour to deal with complaints as swiftly as possible and aim to resolve any complaint through dialogue and mutual understanding. In all cases, we put the interests of the child above all other issues.

This policy has been equality impact assessed and we believe is in line with the Equality Act 2010.

2. Who can make a complaint?

As the complaints policy is based upon [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#), it only applies to complaints from parents/carers of pupils in their individual Academy, regarding their child.

In accordance with [administrative law principles](#), complainants will be given the opportunity to complete the complaints procedure in full.

3. Types of complaints

This policy applies, regardless of the status of the subject of a complaint where this is related to a specific person/people.

Complaints will be heard as follows:

3.1 Complaints about the Headteacher or Governing Body (individual member or as a whole)

- **NB Complaints regarding the Headteacher/Governing Body should be sent to the SET Director of Governance (Governance@shaw-education.org.uk)**
- Stage 1 will be handled by the Chair of Governors or National Director
- Stage 2 will be handled by the Chair of Governors or National Director (where not involved in Stage 1) or representative Director from Shaw Education Trust
- Stage 3 will be a Panel Hearing as per policy, membership appropriate to the complaint

3.2 Complaints about Staff

- **NB Complaints regarding staff should be sent to the Headteacher**
- Stage 1 will be handled by the Headteacher or their nominated deputy
- Stage 2 will be handled by the Headteacher (if not involved in Stage 2) or the Chair of Governors/National Director
- Stage 3 will be a Panel Hearing as per policy, membership appropriate to the complaint

3.3 Complaints about the Chief Executive Officer and/or Multi Academy Trust and its staff

- **NB Complaints regarding the CEO/MAT and its staff should be sent to the SET Director of Governance (Governance@shaw-education.org.uk). If the complaint is regarding the SET Director of Governance the complaint should be addressed to the SET Deputy CEO.**
- Stage 1 will be handled by the line manager of the subject of the complaint or a Trustee of Shaw Education Trust
- Stage 2 will be handled by a MAT Chief Officer or Trustee of Shaw Education Trust not included in Stage 1
- Stage 3 will be a Panel Hearing as per policy, membership appropriate to the complaint

4. Complaints outside of this policy

As public bodies, the Secretary of State for Education expects Academies to handle complaints from people who are not parents of children at the Academy respectfully and expediently. However, we are not obliged to follow this complaints policy with regard to these complainants.

Some types of complaint are covered by other procedures. Examples are:

- exclusions and suspensions
- staff grievances
- disciplinary procedures

Please refer to the list of Complaints not in scope (Section 11) that are not covered by this procedure.

5. Third Parties

Academies may have third-party suppliers who use their premises and facilities to offer community use and as a base to provide services. Where this is the case, the Academy will ensure that the third-party supplier has its own complaint procedures in place.

6. Complaints Procedure

The duty to establish procedures for dealing with complaints in all of our Academies lies with Shaw Education Trust and, as such, we expect all of our Academies to follow this policy.

Our complaints procedure aims to:

- be simple to understand and use
- be impartial
- be non-adversarial
- enable a full and fair investigation
- respect confidentiality where necessary
- address all the points at issue and provide an effective response and appropriate redress, where necessary provides information to Academy and Trust leaders so that services and provision can be improved.

To ensure compliance with Schedule 1, Part 7 of the Education (Independent School Standards) Regulations 2014, our complaints procedure consists of three stages:

- Stage 1 - Informal Resolution (usually a meeting with the complainant, but may be through telephone or written communication)
- Stage 2 - Formal Resolution (the complaint is put in writing)
- Stage 3 - Panel Hearing (Appeal), with an independent panel member

Where a complainant is not satisfied with the response to their complaint at any stage, they are allowed to escalate to the next stage and will be given the opportunity to complete the complaints procedure in full. If a parent is obstructed from completing the complaints procedure, they could contact the ESFA.

Complaints must be lodged through this policy and within 3 months of the issue arising. However, where exceptional circumstances occur, these will be taken into account if a complaint is lodged outside this time frame.

Where further investigations are necessary and our published timescales cannot be met, new time limits will be set and the complainant will be sent details of the new deadline and reason for the delay.

Stage 1 – Informal Resolution

We expect most complaints to be dealt with informally, at Stage 1. Parents/carers are encouraged to speak to/contact a member of the Academy Senior Leadership Team to discuss their complaint at the earliest possible opportunity in person, by telephone or in writing. Our Academies operate an open-door policy and as such, parents/carers may wish to book in some time to talk to a member of the Senior Leadership Team (or a person delegated to undertake this meeting) if this would be beneficial in resolving your concern informally.

An appropriate member of Academy staff will respond **within 2 school days** of receipt of the complaint. It is helpful to establish what the complainant thinks may resolve the issue in order to move forward positively and quickly. An acknowledgement that the Academy could have handled a situation better is not the same as an admission of unlawful or negligent action.

When communicating the outcome of the Stage 1 process to the complainant, the Academy will advise the complainant of the Stage 2 process and actions to escalate if they are not satisfied with the outcome. We aim to resolve informal complaints **within 10 school days** of receipt.

Should the complaint be about the Headteacher, the Chair of Academy Council or Shaw Education Trust National Director will do all they can to resolve the issue informally through a dialogue with the complainant.

Stage 2 – Formal Resolution

If the complaint cannot be resolved on an informal basis (as set out above), then parents/carers must put their complaint in writing (using Appendix 1) and return this to the Academy for the attention of the Headteacher **within 10 school days** of the Stage 1 complaint being completed. If the complainant has sufficient reason to request a reasonable adjustment to be made with regards to submitting the complaint in writing, they should make the Academy aware so that alternative arrangements can be put in place.

The Headteacher will consider any such complaint seriously. The complaint will be investigated thoroughly (by the Headteacher or a person delegated to undertake the investigation). The Academy will ensure they have written consent from the complainant before disclosing information to a third party.

The Headteacher will decide, after considering the complaint, the appropriate course of action to take.

In most cases, the Headteacher will meet or speak with the parent/carers concerned to discuss the matter. If possible, a resolution will be reached at this stage.

The Headteacher (or a person delegated to undertake this work) will use reasonable endeavours to speak to or meet parents/carers **within 5 school days** of the formal complaint being received.

Once the Headteacher is satisfied that, so far as is practicable, all of the relevant facts have been established, a decision will be made which will be communicated to parents/carers in writing giving the reasons for the decision and details of the Stage 3 process should the complainant wish to escalate their complaint further. The written decision should be provided **within 10 school days** of speaking to or meeting with the complainant to discuss the matter.

The Academy will hold a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the Headteacher's decision. The record will be retained for one year after the pupil leaves the Academy.

Should the complaint be about the Headteacher, it will then be considered by the Chair of Academy Council or SET National Director who will follow the above steps.

Only if Stage 2 proceedings fail to resolve the matter will a complaint progress to Stage 3.

Stage 3 – Panel Hearing (Appeal)

If parents/carers remain dissatisfied with the outcome of their complaint at Stage 1 and Stage 2, they may request escalation to Stage 3 for consideration at a Panel Hearing. Such a request must be made in writing (using Appendix 1) addressed to the Director of Governance at Shaw Education Trust (Governance@shaw-education.org.uk).

The request for further assessment of the complaint at Stage 3, will, for the purposes of this procedure, be known as an 'appeal'.

Complainants must lodge their appeal in writing **within 20 school days** of the date of the Academy's decision made in accordance with the Stage 2 procedure.

The complainant will provide in writing the complaint(s) made against the Academy and how they believe the complaint has been unsatisfactorily resolved, along with the remedies sought in respect of each.

The Complaints Panel is only obliged to consider the complaint lodged in this 'initial submission' although they may use their discretion to consider other relevant and related matters that may subsequently arise.

On receipt of an appeal, the Director of Governance will convene a Panel Hearing as soon as possible, usually **no later than 20 school days after receipt** of the notification from the complainant that they wish to invoke Stage 3. When an appeal is received during Academy holidays, or within 2 school days of their commencement, the 20 school days will start upon commencement of the school term. The panel date will be dependent upon the availability of the panel members and complainant. The Director of Governance will provide a Clerk for the meeting.

The Panel will consist of at least three people who were not directly involved in the complaint at Stage 1 or Stage 2. Two panel members will be representatives from Local Governance and/or Shaw Education Trust. The third member of the panel will be independent of the management and running of the Academy and shall not be an employee of the Trust.

For the avoidance of doubt, a Local Academy Councillor of another Shaw Education Trust Academy may be the independent Panel Hearing member, as long as they are not an employee of that Academy or the

Trust, and they are sufficiently removed from the management and running of the academy to be considered truly independent.

The following are entitled to attend a hearing and/or to submit written representations and address the Panel:

- The parents/carers making the complaint (parents/carers may request of the Chair of the Complaints Panel to be accompanied should they wish this to be the case);
- The Headteacher of the Academy (the Headteacher may also have in attendance a relevant Academy colleague who may be able to provide detailed information, e.g. head of pastoral care etc.);
- Any other interested person whom the Panel considers having a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision-making.

As the Panel hearing is not a form of legal proceedings, neither the complainant nor the Academy will bring legal representation. However we recognise that there may be occasions where legal representation may be appropriate during Panel hearings, for example, if an Academy or Trust employee is a witness in a complaint, they may be entitled to bring union or legal representation.

Where required, the Panel may request any reports, documents, chronology or other useful information in advance of the hearing. Evidence will be sent to and collated by the Clerk who will distribute the information to the relevant parties **5 school days** in advance of the hearing. The written Stage 3 complaint will be shared with the Headteacher at the time the notification of the Panel Hearing is sent.

After due consideration of the facts considered relevant, the Panel will reach a decision, and make recommendations, which it shall complete **within 10 school days** of the hearing. The decision reached by the Panel is final. Any decision reached that may have financial implications for the Academy will need the appropriate approval from the Shaw Education Trust, although any such approval must be compatible with the decision of the Panel.

Communication of Panel Outcome

The Clerk will respond to the complainant, in writing, **within 10 school days** of the Panel Hearing, stating the decision of the panel, reasons for the decision and any follow up actions to be taken by the Academy and/or

recommendations and any further rights of appeal. Where relevant, a copy of this letter will be provided to the person(s) complained about. Copies of the minutes from the meeting will also be sent to the complainant.

All records related to complaints will be made available for inspection on the Academy premises or SET Head Office by the Headteacher and Trustees, including those acting on behalf of the Shaw Education Trust Board of Trustees. This will include a record of:

- The progress of the complaint and the final outcome
- Whether the case progressed to a panel hearing
- The action taken by the Academy or Trust regardless of the outcome
- Who is responsible for the records and ensure the data is kept secure.

This information will be maintained on file by the Academy (Stage 1 and Stage 2) and by Shaw Education Trust (Stage 3) for 1 year after the pupil named in the complaint has left the Academy.

Complaint records are kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them. There may be occasions where a complaint is made or continues to be escalated after a child has left the Academy. On changing Academies, the pupil's educational record is transferred to the new Academy and no copies are retained. The Academy may hold record of complaints separate to pupil records whilst a complaint is ongoing so that access to them can be maintained, this will be stored securely and kept only for as long as is necessary for the immediate purpose of processing.

If you consider that the Academy has not followed the procedure in the Compliments and Complaints policy, you can refer the matter to the Education and Skills Funding Agency ("ESFA"), which will investigate in certain circumstances. You can find further information about referring a complaint to the ESFA on their website:

<https://www.gov.uk/government/publications/complain-about-an-academy/complain-about-an-academy>. Please note that the ESFA is not able to overturn a decision about a complaint; its role is to ensure that the complaint has been handled properly.

We expect our staff to treat parents/carers with courtesy and respect, and therefore expect the same of parents/carers when dealing with our colleagues. Rude, offensive behaviour and language will not be tolerated,

either in person, telephone or in writing. In the case of rude, offensive behaviour or language from parents/carers, in any form, we reserve the right to not respond to issues raised in that manner but to await the raising of those issues within acceptable and polite communication, without prejudicing any complaint timelines.

7. Complaint Campaigns

Occasionally, Academies may become the focus of a campaign and receive large volumes of complaints:

- All based on the same subject
- From complainants unconnected with the Academy

The Headteacher will agree with the National Director or Chair of Academy Council whether complaints constitute a campaign. Where this is the case a response may be made by:

- Sending a template response to all complainants
- Publishing a single response on the Academy's website

Where the complainants are dissatisfied with the response this issue can be raised through the ESFA as above.

8. Additional Considerations

- Schools are data controllers in their own right and therefore have discretion to decide whether to allow complainants to record a meeting if it is not required for the purpose of a reasonable adjustment. Schools may choose to record meetings where there are communication difficulties. All parties should agree in advance to being recorded.
- When considering whether to allow the use of recording devices, the Headteacher/Panel Hearing Chair will consider how decisions may affect third parties acting as witnesses, the impact and consequences on the individuals involved in the complaint in the event of recordings being lost or leaked.
- Complainants must obtain informed consent from all parties present before recording conversations or meetings.

- Where a recording, such as CCTV, is considered an important aspect of the resolution of the complaint, use must be agreed by all parties in the recording through written consent. Still pictures may be used with the identification of others in the recording covered, but consideration should be given to staff/students outside of the complaint still being identifiable. Independently notarised transcripts of recordings are acceptable.
- Unless exceptional circumstances apply, we will refuse to accept, as evidence, recordings of conversations that were obtained covertly without informed consent of all parties being recorded.
- Where Academy and/or Academy Councillors/SET employees involved in hearing complaints have made reasonable attempts to accommodate complaints with dates for meetings and complainants refuse or are unable to attend, we will:
 - Convene meetings in the complainant's absence
 - Reach a conclusion in the interests of drawing the complaint to a close

'Reasonable attempts' include (but are not limited to) sending/making multiple emails/letters/phonecalls which remain unanswered in appropriate timescales; confirmation of delivery reports but not read receipt in emailing documentation; reconvening a meeting once a date is agreed on one occasion
- Complainants are entitled to a fair meeting or review and can request an independent panel if they believe there is likely to be bias in the proceedings. Complainants must provide the Academy/Director of Governance as relevant to the stage of the complaint, with evidence of bias in support of their request as it remains the decision of the Academy/Trust whether to agree to this.
- Persons who have a conflict of interest will not take part in the complaints process, this includes where a Governor/Trustee has a financial interest in any related matter.
- Impartiality will be appropriate where those involved in Stage 3 have no prior exposure to the complaint and, for the independent panel member, meets the criteria set out in this policy AND has no other conflict of interest.

9. Monitoring, Evaluation and Review

The Shaw Education Trust Board will review this policy at least every three years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout each Academy in the Trust. SET will take into account any local or national decisions that affect the complaints process and make any modifications necessary to this policy.

The Academy Council / Headteacher will monitor the complaints procedure at Stage 1 and 2, in order to ensure that all complaints are handled properly.

Shaw Education Trust will monitor the effectiveness of Stage 3 processes and the policy overall.

10. Serial, Persistent and/or Vexatious Complaints Procedure

Through our Compliments and Complaints Policy, individual academies and the Trust will look to deal with all concerns and complaints in an objective and timely manner. It is hoped that when done so, whatever the conclusion, that all parties feel that the matter has been dealt with satisfactorily. However, there may be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied.

If a complainant tries to re-open the same issue, they will be informed that the procedure has been completed and that the matter is now closed.

If a complainant continues to communicate with the Academy, the Academy may view the continued communication as 'serial' or 'persistent'. An Academy may continue to receive complaints which may be considered as 'vexatious'. The Office of the Independent Adjudicator defines the characteristics of a 'vexatious' complaint as:

- 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.

Following careful consideration of all the issues by the Headteacher/Chair of Academy Council/Trust Representative, the following possible actions should only be used in exceptional circumstances after all reasonable measures have been taken to try to resolve complaints under the Academy's complaints procedures. Judgement and discretion must be used in applying the criteria to identify potential habitual or vexatious complainants and in deciding on the appropriate action to be taken in specific cases.

Complainants will be notified in writing of the reasons why the continual communications with the Academy have been classified as habitual or vexatious and what action will be taken. This notification may be copied for the information of others already involved in the complaint or matters closely related to it, e.g. staff or Members of Parliament. A record must be kept, for future reference, of the reasons why a complainant has been classified as habitual or vexatious.

Actions which may be taken following a decision that a complaint is vexatious

In the first instance the Academy will inform the complainant in writing that their behaviour is considered to be unreasonable/unacceptable and, if it is not modified, action may be taken in accordance with these procedures.

If the behaviour is not modified there will be a joint decision as to the actions to be taken having regard to the nature of the complainant's behaviour and the effect of this on the school community. It may be decided to deal with complainants in one or more of the following ways:

(a) Notify the complainant in writing that the Academy Council has responded fully to the points raised and has tried to resolve the complaint but there is nothing more to add and continuing contact on the matter will serve no useful purpose. Complainants will be notified that any further communication by them will be acknowledged but not answered.

(b) Withdraw contact with the complainant either in person, by telephone, by email, by letter or any combination of these, provided that at least one form of contact is maintained.

(c) To restrict contact to liaison through a designated member of staff and/or conduct any meeting in the presence of two Academy/Trust staff;

(d) Temporarily suspend, for a period to be specified, all contact with the complainant, provided that the Academy Council shall not withdraw or not provide any services to which the complainant or his/her family are entitled;

(e) Ban the complainant from attending the Academy without prior written consent.

(f) Where the behaviour of the complainant is considered to contravene any legal boundaries, including face-to-face behaviour and/or use of social media/other means, the Academy may seek legal advice and possibly pursue the matter through the legal system.

Please note that we expect all parents/carers to treat staff with courtesy and respect. Rude offensive behaviour and language will not be tolerated within our academies or in written or telephone communications.

11. Scope of this Complaints Procedure

This procedure covers all complaints about any provision of community facilities or services by Academies within the Shaw Education Trust, other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.
Statutory Assessment of Children’s Special Educational Needs	Concerns about statutory assessments of special educational needs should be raised directly with local authorities.
Matters likely to require a Child Protection Investigation	Complaints about child protection matters are handled under our child protection and 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 relevant LA service in Children’s Services.
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . *complaints about the application of the behaviour policy can be made through this complaints procedure.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff. 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: www.education.gov.uk/contactus . 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.

Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. However, a parent may raise a complaint about a staff member directly or indirectly.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
Complaints about services provided by other suppliers who may use school premises or facilities	You should direct complainants to follow the external provider's own complaints procedure for those hiring the academy facilities.
Withdrawal from the curriculum	<p>Parents/carers can withdraw their child from any aspect of Religious Education (RE), including the daily act of collective worship without explanation. If parents/carers are not satisfied with the handling of a request to withdraw their child from RE/DACW they should use the complaints policy. The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupil or arise in other subjects such as history or citizenship.</p>

Appendix 1: Formal Complaint Form for Stage 2 / 3

(Please include this form with your letter)

Academy:	
Your name:	
Your child's name:	
Your child's class:	
Your address including postcode:	
Phone no(s):	
Email address:	
Brief details of complaint (please state if this is at Stage 2 or 3) (this can be more detailed within your letter)	

Contained in your letter please:

- state which stage this complaint is at, i.e. stage 2 or 3.
- provide full details of your complaint, including relevant dates and persons concerned where possible in the box below.
- state what action, if any, you have already taken to try and resolve your complaint (who did you speak to and what was their response).
- state how you feel the problem could be resolved at this stage

Are you attaching any paperwork? If so, please provide details within your letter of what the extra documents are.

Signed:	
Date:	

Thank you for completing the form and providing us with details of your complaint.

For Stage 2 complaints - Please send in your completed form to the Headteacher, care of the Academy reception or via email. All paperwork will be held on file securely by the Academy.

For Stage 3 complaints – Please send in your completed form to the Director of Governance at Shaw Education Trust (Governance@shaw-education.org.uk). All paperwork will be held on file securely by the Shaw Education Trust.



Shaw Education Trust

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**Pupil &
people
centred**

**Act with
integrity**

**Be
innovative**

**Be best
in class**

**Be
accountable**