



# Complaints Policy

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Aquinas Church of England Education Trust





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# Complaints

## Overview

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## Statement of Intent

**AQUINAS Church of England Education Trust (“the Trust”)** and its academies aim to resolve complaints at the earliest possible stage and, where possible, informally, and throughout the procedure remain dedicated to providing the highest quality of education possible.

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

- Any member of staff or colleague.
- Any academy within the trust.
- Individual Advisory Council members or any Advisory Council (AAC).
- Individual trustees or the Trust Board.
- The trust as a whole.

It is designed to ensure that the trust’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 the complainant, the trust and its academies will follow. Once a complaint has been made, it can be resolved or withdrawn at any stage.

For all complaints, the academy or trust itself will delegate a suitable person to be the complainant’s **‘first point of contact’** for the duration.



## 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
- Part 7 of 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'
- ESFA (2021) 'Best practice guidance for academies complaints procedures'
- ESFA (2022) 'Academy trust handbook 2022'

This policy operates in conjunction with the following school policies:

- Admissions Policy
- Behaviour including Suspension and Exclusion Policy
- Data Protection Policy
- [Employee Grievance Policy](#)
- [Management and Retention of Records Policy](#)
- [Parental Conduct Policy](#)
- [Safeguarding and Child Protection Policy](#)
- [Whistleblowing 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 required. 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 child. 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 ESFA (Education and Skills Funding Agency), as outlined in [‘The role of the ESFA’](#) subsection of this policy. Any new details provided by a complainant’s spouse, partner, or child, however, will be investigated and managed in line with the [‘Complaints procedure’](#).

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

For the purposes of this policy, having “**independence**” from the trust and its academies is defined as having no association with the trust including through being a member, trustee, or employee, and having no clear connection with any of the trust’s academies including through being an employee or solicitor. For academy complaints, an Advisory Council member from a different academy within the trust who has no conflict of interest or prior knowledge of the complaint can be an independent panel member.

### 3. Making a complaint

Any person including a member of the public can make a complaint about the provision of facilities or services that the trust provides. Complaints may also be made by a third party on behalf of a complainant, contingent on appropriate consent having been obtained to do so. All complaints made will be handled via the procedures outlined in this policy.

The trust will not normally investigate anonymous complaints. However, the **Chief Executive**, if appropriate, will determine whether the complaint warrants investigation.

Individuals 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**.
- **Child protection** – referred to safeguarding procedures outlined in the [Safeguarding and Child Protection Policy](#).
- **Exclusion** – referred to the procedures outlined in the **Behaviour including 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 [Employee Grievance Policy](#).
- **Staff conduct** – referred to the internal disciplinary procedures.
- **Third-party suppliers using school premises or facilities** – referred to separate complaint procedures. 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 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 trust upholds a **three-month** time limit in which a complaint can be lodged regarding an incident. Where there is a series of associated incidents, the **three-month** timescale will start on the date of the last incident. Complaints made outside this time limit will be considered in exceptional circumstances determined by the relevant **appropriate decision-maker**. 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 '[Complaints procedure](#)' even if it is not viewed as "justified". All complainants are given the opportunity to fully complete the '[Complaints procedure](#)'.

### **Complaints about trust staff or trustees**

Complaints will be managed by the **appropriate decision-maker**. They are responsible for deciding the validity of the complaint and the action to be taken.

Complaints against members of staff at an academy in the trust will:

- Be dealt with by the **Headteacher** of the academy. For the purposes of this policy, the term 'Headteacher' can refer to an Executive Headteacher, Headteacher or Head of School.
- Follow the '[Complaints procedure](#)' including a panel hearing where applicable.

In this policy, the term 'headteacher' is used to refer to a head of school, headteacher, or executive headteacher. Complaints against any such headteacher in the trust will:

- Be dealt with by the **Chief Executive**.
- Follow the '[Complaints procedure](#)' including a panel hearing where applicable.

Complaints against members of staff in the central team of the trust will:

- Be dealt with by the **Chief Executive**.
- Follow the '[Complaints procedure](#)' including a panel hearing where applicable.

Complaints against a Chair of an Advisory Council (AAC), any individual Advisory Council member or an Advisory Council as a whole will:

- Be dealt with by the **Chief Executive** or **Governance Professional** as appropriate. In this trust, the Governance Professional serves as Clerk to the Trust Board, Company Secretary, and liaison for Advisory Councils.
- Follow the '[Complaints procedure](#)' including a panel hearing where applicable.



Complaints against individual trustees will:

- Be made in writing to the **Governance Professional** who will arrange for them to be heard.
- Be dealt with by the **Chair of the Trust Board**.
- Potentially involve escalation to the **Trust Board** to investigate – this will be handled by the **Chief Executive**.
- Involve a panel hearing where applicable.

Complaints against the Chair of the Trust Board will:

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

Complaints against the Trust Board as a whole will:

- Be dealt with by the **Chief Executive**.
- Follow the '[Complaints procedure](#)' including a panel hearing where applicable.

Complaints against the Chief Executive will:

- Be dealt with by the **Chair of the Trust Board** with a panel hearing where applicable.

Complaints against the trust as a whole will:

- Be dealt with by the **Chief Executive**.
- Begin as a '[formal complaint](#)' as outlined in this policy, i.e., via a formal written complaint.

### **Complaints escalated to the trust**

Where a complaint is escalated to the trust as part of the '[Complaints procedure](#)', it will typically be handled by the **Chief Executive**.

The **trust** will write to the complainant to acknowledge their complaint within **5 school days** of receiving it where possible. If appropriate, the **Chief Executive** 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 typically to write to the **Governance Professional** for the **Trust Board** to ask for the complaint to be held before a panel within **15 school days**. The **Governance Professional** will record the date this complaint is received and will respond within **15 school days** where possible. Any such hearing will be organised in accordance with the procedures set out in '[Stage four – panel hearing](#)'.

If a complaint is escalated, 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. [UPDATED] Roles and responsibilities

The **complainant** is responsible for:

- Cooperating with the trust, or an academy within the trust, 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.

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

- For complaints against members of staff at academies in the trust, the investigating officer will be appointed by the **Headteacher**.
- For complaints against headteachers in the trust, the investigating officer will be appointed by the **Chief Executive**.
- For complaints against a Chair of an Advisory Council (AAC), any individual Advisory Council member or an Advisory Council as a whole, the investigating officer will be appointed by the **Chief Executive**.
- [UPDATED] For complaints against trustees, the investigating officer will be appointed by the **Chair of the Trust Board** and may be external to the trust itself.
- [UPDATED] For complaints against the Chair of the Trust Board, the investigating officer will be appointed by the **Governance Professional** and may be external to the trust itself.
- [UPDATED] For complaints against the Trust Board as a whole, the investigating officer will be appointed by the **Chief Executive** and may be external to the trust itself.
- [UPDATED] For complaints against the Chief Executive, the investigating officer will be appointed by **Chair of the Trust Board** and may be external to the trust itself.

The **investigating officer** is 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 pupils.
- 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 **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, is 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 trust 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 child is present at the hearing, extra care needs to be taken to ensure that the child does not feel intimidated, as well as ensuring the child’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 pupils involved.
- Conduct the hearing in a manner that ensures everyone is treated with respect and courtesy.
- Ensure the room’s layout and setting is non-adversarial, yet still sets the appropriate tone.
- Confirm 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 at the meeting ensuring everyone has seen the necessary material at least **5 school days** in advance of the hearing where possible.
- Organise a short adjournment of the hearing if required.
- Continuously liaise with the clerk to ensure the procedure runs smoothly.
- Help to provide the support necessary where the complainant is a child.

### **The role of the ESFA (Education and Skills Funding Agency)**

If a complainant remains dissatisfied once the '[Complaint procedure](#)' has been completed, they have the right to refer their complaint to the Secretary of State. If a complainant wishes to escalate a complaint, the trust will refer them to the relevant [contact form](#), and prompt them to follow the instructions on this form to submit a complaint.

The ESFA will not overturn the trust or panel's decision about a complaint or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the trust has:

- Breached a clause in its funding agreement.
- Failed to comply with education law or acted unreasonably when exercising related education functions.

When making a final decision about a complaint, the trust reserves the right to seek advice from the ESFA on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

## **5. Complaints procedure**

This policy is implemented on a trust-wide level. The trust will ensure the complaints procedure is:

- Easily accessible and publicised on its websites.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Continuously under improvement, using input from the senior leaders of all individual academies within the trust.
- Fairly investigated, by an independent person, where necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

This complaints procedure has four stages:

1. [Informal complaint](#) – which will usually come in the form of a meeting between a representative of the trust or individual academy and the complainant.
2. [Formal complaint](#) – where a complaint is put in writing to the trust or individual academy.



3. [Informal discussion](#) – where an **appropriate decision-maker** relating to the ‘formal complaint’ attempts to resolve any outstanding issues with the complainant.
4. [Panel hearing](#) – where a panel is appointed and includes at least three people who were not directly involved in the matters detailed in the complaint and one person who is independent of the management and running of the academy or the trust.

At each stage, complainants will be informed of their options for escalation if they are unsatisfied with the outcome of their complaint. The **appropriate decision-maker** as outlined above in [‘Making a complaint’](#), or their delegate, will communicate details of the next stage of the procedure when delivering the outcome of a current stage.

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 responses are kept securely on the academy’s IT system or the trust’s central IT system as appropriate.

### **Stage one – informal complaint**

An informal complaint relating to the central operation of the trust should initially be made by telephone or in writing to an **appropriate manager**. The manager will discuss the nature of the concern, establish what outcome the complainant is seeking and assure the complainant that the complaint will be considered. The manager must record the name of the complainant, date, and contact details. If the manager is unable to deal with the matter, they must ensure the complainant is clear which manager can best deal with the issue and when this will happen.

An informal complaint about a member of staff may be made in person, by telephone or in writing to the **appropriate decision-maker** as outlined above in [‘Making a complaint’](#). At this initial 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. The complainant may meet with the **appropriate decision-maker**, or a person delegated to hear the complaint on their behalf, in a respectful and informal manner in an attempt to seek a mutual resolution.

If an interview is arranged with the member of staff to whom the complaint relates then they may request the presence of a third party or ‘companion’. Details of the interview will be recorded throughout and agreed by all parties at the end. The complainant must be informed as soon as possible about what will happen, outcome or next steps including if no action is to be taken.

It is anticipated most complaints will be resolved at this informal stage. The trust will endeavour to deal with complaints at this stage within **15 school days** of notification of the complaint. Where this is not possible the complainant will be advised and a timescale for resolution provided. If no satisfactory resolution is reached, then the complainant must be advised to put the complaint in writing to proceed to the next stage.



In line with ESFA 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.

Where a complaint is made initially to an individual member of an Advisory Council (AAC) or trustee, the complainant will be referred to the **appropriate decision-maker** as outlined above in '[Making a complaint](#)'. No member of staff, Advisory Council member or trustee will act alone on a complaint outside of this procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.

A complainant is not required to undertake this stage to proceed to a '[formal complaint](#)', but it is advisable to do so as in many cases the complaint can be resolved swiftly. In certain cases, mediation may be appropriate. The trust may suggest this as a way forward to allow for a full discussion of the concern and help rebuild the relationship between the parties.

### **Stage two – formal complaint**

Formal complaints must be made in writing to the **appropriate decision-maker** as outlined above in '[Making a complaint](#)'.

Where the complainant is unable to do so, they must communicate this as soon as possible and alternative arrangements will be made.

The trust will acknowledge receipt on the complaint within **5 school days** where possible and outline the procedure with a potential target date for response.

The **appropriate decision-maker** shall endeavour to deal with the complaint within **15 school days** of receipt of the written complaint. 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 response date via written notification to avoid any possible worsening of the situation.

The **appropriate decision-maker** will investigate the circumstances of the complaint, seeking clarity where necessary, and in doing so may request statements from members of staff, pupils, and other relevant documentation.

The **appropriate decision-maker** may appoint an '**investigating officer**' to conduct the investigation and collect all necessary information. Evidence and written records from all meetings and telephone calls will be collected. Whether it is the **appropriate decision-maker** or the **investigating officer**, it may be appropriate for the person handling the complaint to meet with the complainant or request details of the outcome they are seeking.

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

If the complaint concerns a member of staff, they have the right to be given details of the complaint and an opportunity to make representations in relation to the complaint.



Once all facts are established, the person handling the complaint will contact the complainant or arrange a meeting to explain the findings and the outcome of the investigation.

Any such discussion will be followed by a letter summarising the outcome of the investigation. This will include the actions taken to investigate the complaint, details of the decision and the reasons for it. The complainant will be provided with copies of minutes, subject to any necessary redactions under the Data Protection Act 2018 and the UK GDPR. Where appropriate, the letter will detail any actions being taken to further resolve the complaint. The complainant will also be advised of how they can escalate their complaint if they are not satisfied with the outcome.

If the complainant is not satisfied with the outcome, the procedure will progress to either an '[informal discussion](#)' or a '[panel hearing](#)'. A request to escalate should be made to the person handling the complaint within **5 school days** of receiving the outcome letter, subject to the implementation of an '[informal discussion](#)'.

### **Stage three – informal discussion**

Where the complainant is dissatisfied with the outcome of the investigation and has notified the person handling the complaint that they wish the matter to be escalated, the **appropriate decision-maker** can initiate a further informal stage to resolve any outstanding aspects of the complaint.

The **appropriate decision-maker** will advise the complainant of the initiation of this stage within **3 school days** of receipt of the complainant's notification of their wish to escalate.

At this stage, the **appropriate decision-maker** will delegate implementation to a suitable member of the trust's leadership team. The person delegated to handle the informal discussion can request the complainant provide written details as to why they are dissatisfied with the outcome of the previous stage, ask them to attend a meeting to explore their reasons and potentially reach a resolution.

Following the meeting, the **appropriate decision-maker**, or their **delegate**, should provide a letter of resolution within **15 school days** where possible in an attempt to resolve any outstanding aspects. The complainant will also be advised of how they can escalate their complaint if they are not satisfied with the resolution.

If the complainant is not satisfied with the resolution, the procedure will progress to a '[panel hearing](#)'. A request to escalate should be made to the **appropriate decision-maker**, or their **delegate**, within **5 school days** of receiving the resolution letter together with written details as to why the complainant remains dissatisfied.

In certain cases, mediation may be appropriate. The **appropriate decision-maker** may suggest this as a way forward to allow for a full discussion of the concern and help rebuild the relationship.



#### Stage four – panel hearing

It is unusual for a complaint to reach this stage. This is the final stage of the [‘complaints procedure’](#) in which trustees appoint a panel to resolve the complaint.

If the complainant believes the trust did not handle their complaint in accordance with the published [‘complaints procedure’](#) or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the **Education and Skills Funding Agency (ESFA)** after they have completed this stage.

The panel will include at least three people who were not directly involved in the matters detailed in the complaint and one member who is independent of the management and running of the academy or the trust.

When a complainant is not satisfied with the outcome of a [‘formal complaint’](#) and a request to escalate is received, the trust will record the date of the request and acknowledge receipt in writing within **5 school days**. It will also, where possible, inform the complainant of the time and date within the next **15 school days** when the panel hearing should take place.

Where an [‘informal discussion’](#) is initiated at the previous stage but the complainant is dissatisfied with the resolution and a request to escalate is received, the trust will record the date of the request and acknowledge receipt in writing within **5 school days**. It will also, where possible, inform the complainant of the time and date within the next **15 school days** when the panel hearing should take place.

If it is not possible for a complaint to be heard in **15 school days**, the trust will provide a revised schedule. The written complaint, together with details of why the complainant remains dissatisfied with the outcome of previous stages will be sent to the panel together with all other documents considered at those stages.

The panel will meet at a time suited to both complainant and panel members which may mean the complaint cannot always be heard within **15 school days** of the escalation request being received. If the complainant rejects the offer of all three proposed dates without good reason, the **appointed clerk** will decide when to hold the hearing. The hearing will proceed in the complainant’s absence based on written submissions from both parties.

Where possible, all parties including witnesses should have at least **5 school days’** notice of the time, date, and venue of the hearing. Prior to the hearing, the **appointed clerk** will have written to the complainant informing them of how the hearing will be conducted.

The complainant will be invited to submit additional written evidence and be allowed to bring a friend or a relative with them to the meeting if desired.

Access arrangements will be considered. Interpretation facilities will be made available if required.

Neither the complainant nor the trust will bring legal representation to the panel hearing unless in exceptional circumstances such as a complaint against a member of staff, where this will be agreed beforehand. A member of staff who may be a witness to the complaint



can bring a union representative or a legal representative if desired; this will also be agreed beforehand.

Representatives of the press are not permitted to attend.

Where possible, all documents should be sent to all parties **5 school days** before the hearing. Recordings of conversations obtained covertly and without the informed consent of all parties will not normally be accepted. Furthermore, the panel will not review any new complaints or consider evidence unrelated to the initial complaint.

The Chair of the panel should ensure full minutes are taken and the hearing is kept as informal as possible to keep everyone at their ease. The hearing will not be recorded electronically unless it is requested by one of the parties and all other parties agree. Consent will be recorded in the minutes.

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

- The complainant to be present and accompanied if they wish.
- 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 handling the complaint.
- Final statements to be made by both parties.

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

When all issues have been raised and all evidence presented, the Chair of the panel will conclude the hearing by informing all parties they will receive a written response explaining the panel's findings and recommendations in full within **15 school days** where possible.

The panel will:

- Consider the validity of the complaint.
- '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.

A copy of the panel's findings and recommendations will be made available for inspection at the Trust offices by Trustees and the Chief Executive.





Where relevant, the person complained about will receive a summary of the panel's findings and recommendations.

There is no further right of appeal within the trust's '[complaints procedure](#)'.

### **Complaints to the ESFA (Education and Skills Funding Agency)**

If a complainant has exhausted the trust's complaints procedure, they will be advised they can submit a complaint to the ESFA via their [webpage](#) or by writing to:

*Complaints Team  
Education and Skills Funding Agency  
Cheylesmore House  
Coventry  
Quinton Road  
Coventry  
CV1 2WT*

### **Resolving complaints**

At each stage of the '[Complaints procedure](#)', the trust is committed to resolving the complaint. Where appropriate, the trust will acknowledge 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 the trust will try and ensure the incident will not occur again.
- An outline of the steps that have been or will be taken to help ensure it will not happen again and an indication of the timescales within which changes will be made.
- An undertaking to review trust policies considering the complaint.
- An apology.

### **Withdrawal of a complaint**

Where a complainant wishes to withdraw their complaint, the trust will ask them to confirm this in writing. Despite the complaint having been withdrawn, the trust will still take the complainant's voice seriously and attempt to avoid causing similar distress to others in the future. The trust will not, under any circumstances, ask or pressure an individual to withdraw a complaint.

### **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 because 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.

Individual academies and the trust itself are data controllers 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 [Management and Retention of Records Policy](#). Personal data will only be kept for as long as necessary.

## 6. Interviewing witnesses

When interviewing pupils 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. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.

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

The trust understands the importance of ensuring a friendly and relaxed area which is free from intimidation. Members of 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, so as to not influence the interviewee. The interviewee will sign a copy of the transcription of the interview.

## 7. Recording a complaint

A written record shall be kept of any complaint made in writing. The trust will request complaints made by telephone or in person are ultimately put in writing. Such written complaints should detail:

- The main 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 trust because of the complaint (regardless of whether the complaint was upheld).

All records are made available for inspection at the trust's offices.

All complaints that are managed as a '[formal complaint](#)' or '[panel hearing](#)' should be made known to the **Governance Professional**.

The trust holds the right to use recording devices, where appropriate, to ensure all parties involved can review the discussions later. 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.

Where the trust 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 if recordings are lost or leaked.

The trust 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 whole **Trust Board** though broad outcomes may be shared for the purposes of strengthening institutional insight. 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.

## 8. Exceptional circumstances

The ESFA expects complainants to have completed the trust's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progressed through the trust's complaints procedure.
- The ESFA 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 **Trust Board** may postpone the complaints procedure.

## 9. Managing unreasonable complaints

The trust is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. The trust will not normally limit the contact complainants have with the trust itself or any of its academies; however, the trust does not expect members of staff to tolerate unacceptable behaviour and will act to protect them 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 (e.g., National Curriculum content, school reorganisation).
- 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 considered 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 ESFA.
- 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 and newspapers.

The above applies regardless of the method the complaint is made, e.g. face-to-face, by telephone, in writing or electronically.

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, individual Advisory Council member 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 trust may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where 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 contacts the trust or any of its academies repeatedly, making substantially the same points each time.

If the above criteria are met, in deciding to stop responding, the trust will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards members of staff, or if the trust believes their intent is to disrupt or inconvenience the trust or its academies.

The trust 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, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.



## 10. Complaints campaigns

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

For the purposes of investigation, all complaints will be treated as one and, where the **Chief Executive** or **Chair of the Trust Board** determines, they will be managed as a '[formal complaint](#)' and a standard response provided to all complainants.

Where such complainants remain dissatisfied, the trust will proceed to treat all complaints as one and implement a '[panel hearing](#)'. The Governance Professional will decide when to hold the meeting and it will proceed in the absence of all parties and based on any written submissions from all parties. A standard response will be provided to all complainants.

Where the complainants remain dissatisfied, then they are at liberty to [forward their complaint to the ESFA](#).

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

## 11. 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 headteacher of the relevant academy will ask the individual to leave the premises.

The headteacher 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 Advisory Council, or Chair of the Trust Board where escalated, considering any discussions following the incident. If the decision is made to continue the bar beyond the initial period, 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 Headteacher or Chair of Advisory Council.

This section should be read in conjunction with the trust's [Parental Conduct Policy](#).

## 12. Standard of fluency complaints

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



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

The trust 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 member of staff 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 at which the member of staff works 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 trust will consider what action is necessary to meet the fluency duty. This may include:

- Specific training.
- Specific re-training.
- Assessment.
- Redeployment.
- Dismissal.

Appropriate support will be provided to members of staff to ensure 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.

### **13. Bias in proceedings**

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 should provide evidence of bias in support of their request as it is the trust’s decision whether to agree to an independent panel. If the appearance of bias is sufficient to taint the decision reached, then the trust will grant such requests.



Persons who have a conflict of interest should not take part in the complaints process. If there's any reasonable doubt as to a person's ability to act impartially, they should withdraw from considering the complaint. Where a person has a financial interest in any related matter, they should also withdraw.

When making decisions, the trust will not act in a way that is biased. The appearance of bias may be sufficient to taint a decision even if there is no actual bias. This concept derives from the principle that justice must not only be done but be seen to be done.

The ESFA generally consider those involved with governance (except trustees) who have no prior exposure to the complaint are suitably impartial unless the complainant provides us with evidence to the contrary. The panel member independent of the management and running of the academy or the trust is there to ensure that the panel has the benefit of an external source of scrutiny and challenge in its consideration of the complaint to ensure the decision is not biased.

#### **14. Transferring data**

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

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

Information that the trust retains relating to a complaint will be stored securely and in line with its [Management and Retention of Records Policy](#).

#### **15. Availability**

A copy of this policy will be made available on request. It will also be published on the websites of the [trust](#) and its individual academies as recommended by the ESFA.

#### **16. Monitoring and review**

The policy is reviewed on an **annual** basis by the **Trust Board** and **Chief Executive**, considering any legislative changes and the latest guidance issued by the DfE or ESFA. Changes to this policy are communicated to relevant stakeholders.

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.

The monitoring and reviewing of complaints will be used to help evaluate each academy's performance, and the performance of the trust as a whole.

The next scheduled review date for this policy is **January 2025**.