



Omega Multi-Academy Trust

Complaints Policy

This policy uses The School Bus model and takes due consideration of all policies that transferred across to the Omega Multi-Academy Trust on conversion.

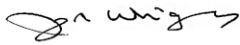
Version Number	1.2
Date policy last reviewed	February 2022
Policy Type	Statutory
Owner	CEO
Approved by	Trust Board
Approval Date	4 th February 2022
Next Review Date	February 2023

Review Date & Summary Changes

November 2021 – 1.1	6.22 Added in Investigation Officer and Complaints Co-ordinator
	6.32 Changed 5 days to 5 school days
	6.16 Removed the job titles Headteacher/Chief Executive (to conduct interviews)
	6.17 Removed the job titles Headteachers/Chief Executive (to record notes)
February 2022 – 1.2	Statement of Intent: Added in ‘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.
	1.2 Changed ‘ESFA (2015) ‘Creating an academy complaints procedure’ to ‘ESFA (2021) Best practice guidance for academies complaints procedures’
	3.7.2 Added in ‘Are new complaints that are submitted additionally, as part of an existing open complaint, by the same complainant.
	4.5.2 Added in ‘in writing’
	5.1 Added in ‘Providing they are not anonymous’
	5.8 Added in ‘Providing they are not anonymous’
	5.10 Added in ‘if not resolved’.
	5.11 Added in ‘if not resolved’
	5.13 Removed ‘Chair of Governors/Chair of Trustees’ (as covered in 5.14)
	6.6 Added in ‘Notes must be taken during this discussion’
	6.17 Added in ‘in writing’
	6.19 Changed GDPR to UK GDPR
	6.23 Changed 10 school days to 15 school days
	6.23.2 Removed ‘The Chair of the Trust Board will handle escalated complaints if it is about a Headteacher, the Chief Executive, or the Trust central team’ as covered in section 4
	6.26 Changed 20 school days to 15 school days
	6.39 Added in ‘The ESFA will not overturn the panel’s decision or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the school has breached a clause in its funding agreement or failed to comply with education law or acted unreasonably when exercising related education functions’
	6.39 Changed the DfE contact address to the ESFA contact address
	7.6 Added in Recording devices will not be used to review discussions of complaints at a later date. Where there are communication difficulties or disabilities, recording devices may be used for the purposes of reasonable adjustments. The interviewer will consult with the Headteacher before using recording devices
	Section 4: Added in ‘For the purposes of this policy, where the Headteacher, Chair of Governing Body and Governing Body are allocated roles of responsibility, if the concern is raised from central office employees or is against the Headteacher, the responsibility will be assumed by the CEO, Chair Trustees and the Trust Board’. (Removed references to Headteacher/CEO, Governing Body/Trust

	Board and Chair of Governors/Chair of Trustees throughout the policy)
	8.2 Removed 'Headteacher'
	8.8 Changed GDPR to UK GDPR
	8.9 Changed 'The Trust will hold all records of complaints centrally' to 'The Trust will hold a log of complaints centrally, with records held individually in each school'.
	9.10 Added 'is outlined in the Trust's Data Policy'
	11.2.9 Added '(as applicable)'.

Signed by:



CEO

Date:

04/02/2022



Chair of Trustees

Date:

23/02/2021

Mission Statement and Values

Rationale

Statement of Intent

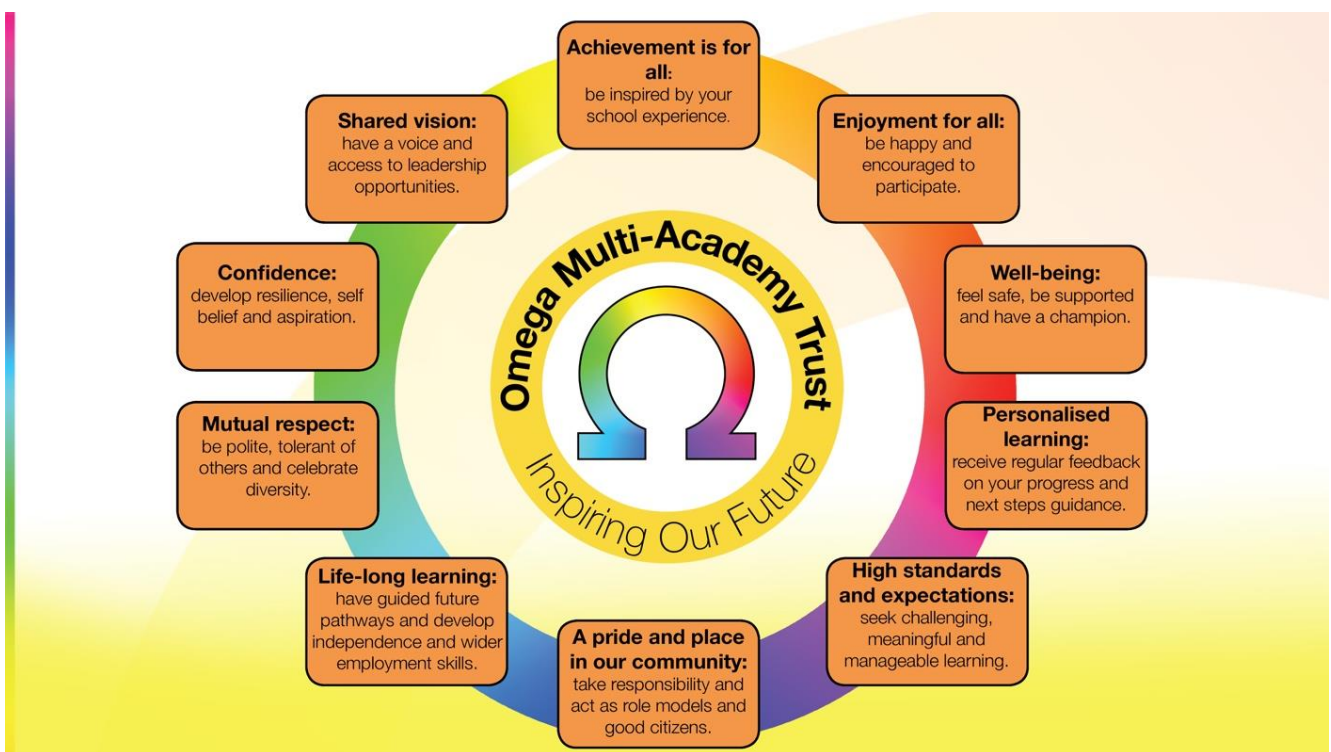
1. [Legal Framework](#)
2. [Aims and Objectives](#)
3. [Definitions](#)
4. [Roles and Responsibilities](#)
5. [Making a Complaint](#)
6. [Complaints Procedure](#)
7. [Interviewing Witnesses](#)
8. [Recording a Complaint](#)
9. [Complaints Not Covered by This Policy](#)
10. [Exceptional Circumstances](#)
11. [Managing Unreasonable Requests](#)
12. [Complaints Campaigns](#)
13. [Barring From Premises](#)
14. [Standard of Fluency Complaints](#)
15. [Role of School Complaints Unit \(SCU\)](#)
16. [Transferring Data](#)
17. [Learning Lessons](#)
18. [Availability](#)
19. [Monitoring and Review](#)

Appendices

Appendix 1 – [Complaints Procedure Form](#)

Mission Statement

The Omega learning community provides excellent teaching and learning with passion and purpose, based on core values, understood by all. Working in a warm and welcoming, yet purposeful environment, our mission is for everyone to be happy and inspired by their school experience. We empower students to harness their own creativity, to raise their aspirations and to achieve their potential. Working together, they gain confidence and pride to take their place in our community.



Rationale

Omega Values	How this policy addresses these values
Achievement is for all: be inspired by your Omega Multi-Academy Trust experience.	To ensure that complaints are resolved through dialogue and mutual understanding so that the achievement of individuals/groups is never compromised.
Enjoyment for all: be happy and encouraged to participate	To encourage open and honest dialogue which leads to a focus on improvement and development.
Well-being: feel safe, be supported and have a champion	To resolve any complaint through dialogue and mutual understanding and, in all cases, put the interests of the child above all other issues.
Personalised learning: receive regular feedback on your progress and next-steps guidance	To provide an effective and prompt response to a complaint. To keep complainants informed of the progress of the complaints process.
High standards and expectations: seek challenging, meaningful and manageable learning.	By seeking continual improvement and always reflecting on how the complaint can feed into the school improvement evaluation processes.
A pride and place in our community: take responsibility and act as role models and good citizens.	To be impartial and non-adversarial and treat all complainants with respect.
Life-long learning: have guided future pathways and develop independence and wider employment skills	By seeking continual improvement and always reflecting on how the complaint can feed into the school improvement evaluation processes
Mutual respect: be polite, tolerant of others and celebrate diversity.	To create a fair, open and honest process when dealing with any complaint. By considering all complaints and dealing with them as swiftly as possible.
Confidence: develop resilience, self-belief and aspiration.	To give individuals the confidence to hold open and honest dialogue which leads to a focus on improvement and development.
Shared vision: have a voice and access to leadership opportunities.	To give all members of the community a voice by setting out a procedure which provides sufficient opportunity for any complaint to be fully discussed, and then resolved.

Statement of intent

Omega Multi-Academy Trust (“the Trust”) aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This policy has been created to deal with any complaint against a member of staff or the Trust as a whole, relating to any aspects of the Trust or the provision of facilities or services. 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.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the Trust provides. This policy outlines the procedure that the complainant and the Trust must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

The Headteacher will be the first point of contact when following the complaints procedure.

1. Legal Framework

1.1. This policy has due regard to statutory legislation, including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- General Data Protection Regulation (GDPR) 2018
- The Data Protection Act 2018
- The Education (Pupil Information) (England) Regulations 2005
- The School Information (England) (Amendment) Regulations 2016
- The Education (Independent School Standards) Regulations 2014

1.2. This policy also has due regard to guidance including, but not limited to, the following:

- DfE (2019) 'Best practice guidance for school complaints procedures 2019'
- ESFA (2021) 'Best practice guidance for academies complaints procedures'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'

1.3. This policy will be implemented in accordance with the following Trust policies:

- Child Protection and Safeguarding Policy
- Grievance Policy
- Whistleblowing Policy

2. Aims and Objectives

2.1 The Trust aims to be fair, open and honest when dealing with any complaint. The Trust will give careful consideration to all complaints and deal with them as swiftly as possible, will aim to resolve any complaint through dialogue and mutual understanding and, in all cases, will put the interests of the child above all other issues. The Trust will provide sufficient opportunity for any complaint to be fully discussed, and then resolved.

2.2 When responding to complaints, the Trust will aim to:

- 2.1.1. Be impartial and non-adversarial.
- 2.1.2. Facilitate a full and fair investigation by an independent person or panel, where necessary.
- 2.1.3. Address all the points at issue and provide an effective and prompt response.
- 2.1.4. Respect complainants' desire for confidentiality.
- 2.1.5. Treat complainants with respect.
- 2.1.6. Keep complainants informed of the progress of the complaints process.
- 2.1.7. Consider how the complaint can feed into school improvement evaluation processes.

3. Definitions

3.1. For the purpose of this policy, a "**complaint**" can be defined as 'an expression of dissatisfaction' towards the actions taken or a perceived lack of action taken.

- 3.2. Complaints can be resolved formally, through this procedure, or informally dependent on the complainant's choice.
- 3.3. A “**concern**” can be defined as ‘an expression of worry or doubt’ where reassurance is required.
- 3.4. Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.
- 3.5. A “**grievance**” is an issue raised by a member of staff where they feel the Trust has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the Trust's Grievance Policy.
- 3.6. For the purpose of this policy, concerns will be classed and addressed as complaints.
- 3.7. For the purpose of this policy, “**unreasonable complaints**” include:
- 3.7.1. Vexatious complaints:
- Are obsessive, persistent, harassing, prolific, 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
- 3.7.2. Serial or persistent complaints:
- 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.
- 3.8. 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.
- 3.9. For the purpose of this policy, “**duplicate complaints**” are identical complaints received from a complainant's spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.
- 3.10. Any new details provided by a complainant's spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

4. Roles and Responsibilities

For the purposes of this policy, where the Headteacher, Chair of Governing Body and Governing Body are allocated roles of responsibility, if the concern is raised from central office employees or is against the Headteacher, the responsibility will be assumed by the CEO, Chair Trustees and the Trust Board.

4.1. The complainant will:

- 4.1.1. Cooperate with the Trust in seeking a solution to the complaint.
- 4.1.2. Express the complaint and their concerns in full at the earliest possible opportunity.
- 4.1.3. Promptly respond to any requests for information or meetings.
- 4.1.4. Ask for assistance as needed.
- 4.1.5. Treat any person(s) involved in the complaint with respect.

4.2. The nominated Complaints Co-ordinator (competent staff member nominated by the Headteacher) will:

- 4.2.1. Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
- 4.2.2. Guarantee that all parties involved in the procedure are aware of any relevant legislation, including the Equality Act 2010, GDPR, Data Protection Act 2018 and Freedom of Information Act 2000.
- 4.2.3. Keep up-to-date records throughout the procedure – these records will be kept securely on the Trust's ICT system.
- 4.2.4. Liaise with all parties involved to ensure the complaints procedure runs smoothly, including the Headteacher, Local Governing Body, Chief Executive and Trust Board.
- 4.2.5. Ensure, where the complainant is dissatisfied with the response, they are allowed to escalate it to the next formal stage and are provided the opportunity to complete the complaints procedure in full
- 4.2.6. Be aware of issues with regard to sharing third party information.
- 4.2.7. Understand the complainant's need for additional support, including interpretation support, and will be aware of any issues concerning this.

The investigator is involved in stages one and two of the procedure. Their role includes:

- 4.2.8. Providing a sensitive and thorough interviewing process of the complainant to establish what has happened and who is involved.
- 4.2.9. Considering all records, evidence and relevant information provided.
- 4.2.10. Interviewing all parties that are involved in the complaint, including staff and pupils.
- 4.2.11. Analysing all information in a comprehensive and fair manner.
- 4.2.12. Liaising with the complainant and nominated Complaints Co-ordinator to clarify an appropriate resolution to the problem.
- 4.2.13. Identifying and recommending solutions and courses of actions to take.
- 4.2.14. Being mindful of timescales and ensuring all parties involved are aware of these timescales.
- 4.2.15. Responding to the complainant in a clear and understandable manner.

4.3. The Panel Chair will:

- 4.3.1. Ensure that minutes of the hearings are taken on every occasion.
- 4.3.2. Explain the remit of the panel to the complainant.
- 4.3.3. Ensure that all issues are addressed and that outcomes are reached based on facts and evidence.
- 4.3.4. Help to put at ease and console individuals involved who are not used to speaking at such hearings, particularly any pupils involved.
- 4.3.5. Conduct the hearing in an informal manner, ensuring that everyone is treated with respect and courtesy.
- 4.3.6. Ensure that the room's layout and setting is informal and non-adversarial, yet still sets the appropriate tone.
- 4.3.7. 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.
- 4.3.8. Give both the complainant and the Trust the opportunity to state their case and seek clarity without undue interruption.
- 4.3.9. Provide copies of any written material or evidence to everyone in attendance of the meeting, ensuring that everyone has seen the necessary material.
- 4.3.10. Organise a short adjournment of the hearing if required.
- 4.3.11. Continuously liaise with the nominated Complaints Co-ordinator to ensure the procedure runs smoothly.

4.3.12. Help to provide the support necessary where the complainant is a child.

4.4. All panel members will be aware that:

4.4.1. The review panel hearing is independent and impartial.

4.4.2. No individual with prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.

4.4.3. The aim of the panel is to achieve a reasonable resolution and, ultimately, attain reconciliation between the parties involved.

4.4.4. 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.

4.4.5. 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

4.4.6. Complainants may feel nervous or inhibited in a formal setting and, therefore, the proceedings should be as welcoming as possible.

4.4.7. 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.

4.5. The Panel Clerk will:

4.5.1. Continuously liaise with the nominated Complaints Co-ordinator.

4.5.2. Record the proceedings, in writing.

4.5.3. Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.

4.5.4. Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.

4.5.5. Greet all parties as they arrive at the hearing.

4.5.6. Ensure that the minutes of the panel hearing are circulated.

4.5.7. Notify the relevant parties of the panel's decision and any other actions to be taken.

5. Making a Complaint

- 5.1. Complaints are not restricted to parents of attending pupils. The Trust will consider all complaints, providing they are not anonymous.
- 5.2. The Trust will ensure the complaints procedure is:
 - 5.2.1. Easily accessible and publicised on the Trust's website.
 - 5.2.2. Simple to understand and put into practice.
 - 5.2.3. Impartial and fair to all parties involved.
 - 5.2.4. Respectful of confidentiality duties.
 - 5.2.5. Continuously under improvement, using information gathered during the procedure to inform the Trust's Executive Team.
 - 5.2.6. Fairly investigated by an independent person when necessary.
 - 5.2.7. Used to address all issues to provide appropriate and effective responses where necessary.
- 5.3. Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.
- 5.4. The Trust upholds a three-month time limit in which a complaint can be lodged regarding an incident.
- 5.5. Complaints made outside this time limit will not be automatically refused and exceptions will be considered.
- 5.6. In the case of any timescales changing, all parties involved will be informed of the changes in a timely manner.
- 5.7. Complaints should be made using the appropriate channels of communication, including the use of the Complaints Procedure Form (see Appendix 1).
- 5.8. All complaints shall be considered, whether they are made in person, by telephone, in writing, electronically via email, or via a third party (such as the Citizen's Advice Bureau), providing they are not anonymous.
- 5.9. 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.
- 5.10. Any complaint made against a member of staff will be initially dealt with by the Headteacher, and then by a committee of the Local Governing Body if not resolved.
- 5.11. Any complaint made against the Headteacher shall be initially dealt with by the Chief Executive and then by a committee of the Trust Board, if not resolved.

- 5.12. Any complaint made against the Chief Executive shall be initially dealt with by the Chair of Trustees and then by a committee of the Trust Board.
- 5.13. Any complaint made against the a member of the Local Governing Body/Trust Board should be made in writing to the Clerk to the Local Governing Body/ Trust Board via the school/Trust office.
- 5.14. Any complaint made against the entire Local Governing Body/Trust Board, or complaints involving the Chair and the Vice Chair, should be made in writing to the Clerk via the school/Trust office. The Clerk will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted Governors from another school/Trust.
- 5.15. Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented.
- 5.16. Information about a complaint will not be disclosed to a third party without written consent from the complainant.

6. Complaints Procedure

Stage one – Informal concern made to a member of staff

- 6.1. A complaint may be made in person, by telephone or in writing.
- 6.2. The member of staff the complaint has been made against can discuss the concern with the Headteacher or if in situ a nominated Complaints Co-ordinator to seek support.
- 6.3. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record. These notes are kept securely on the Trust's ICT system and, where appropriate, encrypted.
- 6.4. If the concern is about the Headteacher, the Chief Executive should be informed and will handle the complaint.
- 6.5. If a complaint is made initially to a Governor/Trustee, the complainant should be referred to the appropriate person. The Governor/Trustee in question should not act alone on a complaint outside the procedure; if they do, they cannot be involved if the complaint is subject to a hearing at a later stage of the procedure.
- 6.6. Within 15 school days, the complainant and the relevant member of staff should discuss the issue in a respectful and informal manner to seek a mutual resolution. Notes must be taken during this discussion.

- 6.7. At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the Trust could have handled the situation better is not an admission of unlawful or negligent action.
- 6.8. 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 complainant may wish to proceed to the next level of the procedure.

Stage two – Formal complaint made to the Headteacher

- 6.9. 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 Headteacher will contact the complainant to inform them of the revised target date via a written notification.
- 6.10. An appointment with the Headteacher should be made, as soon as reasonably practical, to avoid any possible worsening of the situation.
- 6.11. If the complaint is against the Chief Executive, 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 before moving directly to stage three of the procedure.
- 6.12. Where the Headteacher 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.
- 6.13. Where there are communication difficulties, the complaint may be made in person or via telephone.
- 6.14. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the Trust's ICT system and, where appropriate, encrypted.
- 6.15. The Headteacher will appoint an Investigation Officer to assist them and undertake a full investigation. A report will be produced providing findings against each of the points raised in the complaint.
- 6.16. In terms of a complaint being made against a member of staff, the Headteacher will discuss the issue with the staff member in question. Where necessary, the Investigation Officer will conduct interviews with any relevant parties, including witnesses and pupils, and take statements from those involved.
- 6.17. All discussions shall be recorded in writing and findings and resolutions will be communicated to the complainant either verbally or in writing.

- 6.18. Once all facts are established, the Headteacher shall contact the complainant in writing with an explanation of the decision. The complainant will be advised of any escalation options (for example, escalation to stage three) and will be provided with details of this process.
- 6.19. 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.
- 6.20. Any further action the Trust plans to take to resolve the issue will be explained to the complainant in writing.
- 6.21. If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.
- 6.22. If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the Investigation Officer or Complaints Coordinator has acted unreasonably, they may request that the Local Governing Body or Trust Board reviews the complaint (stage three).

Stage three – Complaints Appeal Panel (CAP)

- 6.23. Following receipt of a stage two outcome, the complaint should be made in writing to the Chair of Governors within 15 school days.
 - 6.23.1. The Chair of Governors will handle escalated complaints if it is in relation to a school issue, **excluding** complaints about the Headteacher, who will be dealt with by the CEO
- 6.24. Where there are communication difficulties, the complaint may be made in person or via telephone.
- 6.25. To prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept, and a copy of any written response is added to the record. These notes are kept securely on the Trust's ICT system and, where appropriate, encrypted.
- 6.26. Written acknowledgement of the complaint will be made within 3 school days. This will inform the complainant that a CAP will hear the complaint within 20 school days.
- 6.27. Neither the Trust nor the complainant should bring legal representation to the CAP proceedings; however, there are occasions where legal representation will be necessary, for example where an employee is a witness in a complaint, they may be entitled to bring union or legal representation.
- 6.28. The Chair, or another nominated Governor will convene a CAP comprising:
 - Three people not involved in the complaint, one of whom is independent of the management and running of the school. Governors of the school the

complaint is about are not eligible to be independent panel members. Governors from another Local Governing Body can be members of the CAP.

- 6.29. Where an independent panel is arranged on an ad-hoc, informal basis, Governors who are suitability skilled and who can demonstrate their independence will be sourced.
- 6.30. Governors from another Local Governing Body within the Trust can be approached to take part in an independent panel.
- 6.31. 5 school days' notice will be given to all parties attending the CAP, including the complainant.
- 6.32. Prior to the hearing, the Chair will have written to the complainant informing them of how the review will be conducted. The Headteacher/Chief Executive will also have a copy of this letter.
- 6.33. At the hearing, all participants will be given the opportunity to put their case across and discuss any issues.
- 6.34. The CAP will consider issues raised in the original complaint and any issues which have been highlighted during the complaints procedure.
- 6.35. The meeting should allow for:
 - 6.35.1. The complainant to be present and accompanied at the hearing if they wish.
 - 6.35.2. The complainant to explain their complaint and the Headteacher to explain the reasons for their decision.
 - 6.35.3. The complainant to question the Headteacher and vice versa, about the complaint.
 - 6.35.4. Any evidence, including witnesses who have been prior approved by the Chair of the CAP, to be questioned.
 - 6.35.5. Members of the CAP to question both the complainant and the Headteacher.
 - 6.35.6. Final statements to be made by both parties involved.
- 6.36. 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.
- 6.37. 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 GDPR 2018.

Final stage – Appeal

- 6.38. If a complainant has exhausted the Trust's complaints procedure, they will be advised that they can submit a complaint to the ESFA using the [online form](#) or in writing to the below address. The ESFA will not overturn the panel's decision or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the school has breached a clause in its funding agreement or failed to comply with education law or acted unreasonably when exercising related education functions

Academy Complaints and Customer Insight Unit
Education and Skills Funding Agency
Cheylesmore House
Coventry
5 Quinton Road
Coventry
CV1 2WT

7. Interviewing Witnesses

- 7.1. 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.
- 7.2. The Trust will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police investigation.
- 7.3. The Trust understands the importance of ensuring a friendly and relaxed area which is free from intimidation.
- 7.4. All pupils interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- 7.5. 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.
- 7.6. Recording devices will not be used to review discussions of complaints at a later date. Where there are communication difficulties or disabilities, recording devices may be used for the purposes of reasonable adjustments. The interviewer will consult with the Headteacher before using recording devices.
- 7.7. The interviewer will not express opinions in words or attitude, so as to not influence the interviewee.

7.8. The interviewee will sign a copy of the transcription of the interview.

8. Recording a Complaint

- 8.1. A written record shall be kept of any complaint made, whether made via phone, in person or in writing, detailing:
- 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 as a result of the complaint (regardless of whether the complaint was upheld)
- 8.2. All records are made available for inspection on the Trust premises by the proprietor and CEO.
- 8.3. 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.
- 8.4. Recording devices will not be used without the prior consent of all parties.
- 8.5. 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 in the event that recordings are lost or leaked
- 8.6. The Trust will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.
- 8.7. Details of any school complaint made shall not be shared with the entire Local Governing Body. The exception to this is when a complaint is made against the whole Local Governing Body and they need to be aware of the allegations made against them, to respond to any independent investigation.
- 8.8. Complainants have a right to access copies of these records under the GDPR 2018 and the Freedom of Information Act 2000.
- 8.9. The Trust will hold all records of complaints centrally. Correspondence, statements and records relating to individual complaints are kept confidential except where the Secretary of State or a body conducting an inspection requests to access them.

9. Complaints Not Covered by this Procedure

- 9.1. Complaints regarding Statutory assessments of SEND should be directed to the LA
- 9.2. Complaints about child protection matters will be handled in line with the Trust's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.
- 9.3. Complaints concerning admissions will be directed to the appropriate admissions authority.
- 9.4. Complaints regarding exclusions will be dealt with in accordance with procedure outlined in the Exclusion Policy.
- 9.5. The Trust has an internal whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy.
- 9.6. Volunteers who have concerns about the Trust or a member of staff should make their complaint in line with this policy.
- 9.7. Staff grievances and disciplinary procedures will be dealt with in line with the Grievance Policy and Disciplinary Policy. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.
- 9.8. This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the Trust premises or facilities. All complaints concerning this should be directed to the service provider.
- 9.9. Complaints about the content of national curriculum should be made to the DfE. However complaints about how the Trust delivers the curriculum, including RE and RSE, will be dealt with using this complaints procedure. Complaints from parents who are dissatisfied with the handling of a request to withdraw their child from RE or collective worship will be handled in line with this complaints procedure.
- 9.10. Requests for information and issues with the Trust's process for dealing with Freedom of Information requests is outlined in the Trust's Data Policy.

10. Exceptional Circumstances

- 10.1. The DfE, Ofsted, Headteacher, Chief Executive, Local Governing Body and Trust Board expects complainants to have completed the Trust's complaints procedure before directing a complaint to them. The exceptions to this include when:
 - 10.1.1. Pupils are at risk of harm.
 - 10.1.2. Pupils are missing education.

- 10.1.3. A complainant is being prevented from having their complaint progress through the Trust's complaints procedure.
- 10.1.4. The DfE, Ofsted, Headteacher, Chief Executive, Local Governing Body or Trust Board have evidence that the Trust is proposing to act or is acting unlawfully or unreasonably.
- 10.2. If a social services authority decides to investigate a situation, the Headteacher, Chief Executive, Trust Board or Local Governing Body may postpone the complaints procedure.
- 10.3. Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.
- 10.4. If a complainant commences legal action against the Trust in relation to their complaint, the Trust will consider whether to suspend the complaints procedure, until those legal proceedings have concluded.

11. Managing Unreasonable Requests

- 11.1. 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; however, will not expect staff to tolerate unacceptable behaviour and will act to protect staff from that behaviour, including that which is abusive, offensive or threatening.
- 11.2. A complaint may be regarded as unreasonable when the person making the complaint:
 - 11.2.1. Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
 - 11.2.2. Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
 - 11.2.3. Refuses to accept that certain issues are not within the scope of a complaints procedure.
 - 11.2.4. Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
 - 11.2.5. Introduces trivial or irrelevant information which the complainant expects 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.

- 11.2.6. Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
 - 11.2.7. Changes the basis of the complaint as the investigation proceeds.
 - 11.2.8. Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
 - 11.2.9. 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 DfE/ESFA (as applicable).
 - 11.2.10. Seeks an unrealistic outcome.
 - 11.2.11. Makes excessive demands on the Trust's 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.
- 11.3. A complaint may also be considered unreasonable if the person making the complaint does so (either face-to-face, by telephone, in writing or electronically):
- 11.3.1. Maliciously.
 - 11.3.2. Aggressively.
 - 11.3.3. Using threats, intimidation or violence.
 - 11.3.4. Using abusive, offensive or discriminatory language.
 - 11.3.5. Knowing it to be false.
 - 11.3.6. Using falsified information.
 - 11.3.7. By publishing unacceptable information in a variety of media such as in social media websites and newspapers.
- 11.4. Complainants should limit the numbers 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.
- 11.5. Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.
- 11.6. If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the Trust 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 6 months.

- 11.7. 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.

12. Complaints Campaigns

- 12.1. For the purposes of this policy, “**complaints campaigns**” are where the Trust receives large volumes of complaints that are all based on the same subject.
- 12.2. Where the Trust becomes the subject of a complaints campaign from complainants who are **not** connected with the Trust, a standard, single response will be published on the Trust’s website.
- 12.3. 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.
- 12.4. If complainants remain dissatisfied with the Trust’s response, they will be directed to the DfE for advice.

13. Barring from the premises

- 13.1. Trust premises are private property and therefore any individual may be barred from entering the premises.
- 13.2. If an individual’s behaviour is cause for concern, the Headteacher will ask the individual to leave the premises.
- 13.3. 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.
- 13.4. The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.
- 13.5. This decision to bar will be reviewed by the Chair of Governors or a committee of Governors taking into account any discussions following the incident.
- 13.6. 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, they will also be informed of when the decision will be reviewed.
- 13.7. Anyone wishing to make a complaint regarding a barring order can do so in writing to the Headteacher.
- 13.8. Once the Trust’s complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

14. Standard of Fluency Complaints

- 14.1. 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 pupils.
- 14.2. The Trust 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.
- 14.3. 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.
- 14.4. If a member of the Trust 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 section 6 of this policy.
- 14.5. 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.
- 14.6. All legitimate complaints regarding the fluency duty will be handled in line with the processes outlined in this policy.
- 14.7. 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.
- 14.8. To assess the merits, the Trust 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.
- 14.9. 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
 - Re-deployment
 - Dismissal
- 14.10. Appropriate support will be provided to staff to ensure that they are protected from vexatious complaints and are not subjected to unnecessary fluency testing.
- 14.11. Records of complaints regarding fluency will be kept in accordance with the processes outlined in section 8 of this policy.

15. Role of the School Complaints Unit (SCU)

- 15.1. 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.
- 15.2. If a complainant wishes to escalate a complaint of bias, the DfE will require evidence to be submitted with the complaint.
- 15.3. The Secretary of State will only intervene when they believe that the Local Governing Body/Trust Board has acted unlawfully or unreasonably.
- 15.4. The SCU will not overturn a trust's decision about a complaint except in exceptional circumstances, such as a trust acting unlawfully.
- 15.5. When making a final decision about a complaint, the Trust reserves the right to seek advice from the SCU on whether they are acting reasonably and lawfully; however, they will not be able to advise on how to resolve the complaint.

16. Transferring Data

- 16.1. 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.

17. Learning Lessons

- 17.1 The Chair of Governors, Chair of Trustees, Headteacher and Chief Executive will review any underlying issues raised by complaints with the Headteacher/Chief Executive, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Trust can make to its procedures or practice to help prevent similar events in the future.

18. Availability

- 18.1. A copy of this policy will be made available on request. It will also be published on the Trust website, as recommended by the ESFA.

19. Monitoring and Review

- 19.1. The complaints procedure will be reviewed annually, taking into account the
- 19.2. Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.
- 19.3. The monitoring and reviewing of complaints will be used to help evaluate the Trust's performance.

APPENDIX 1



Complaints Procedure Form

If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the Headteacher. If your complaint is against the Headteacher, you will need to send the form to the Chief Executive. If your complaint is about the Chief Executive, you will need to send the form to the Chair of Trustees via the Trust Central Office.

Name:	Address:
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
What is your complaint concerning, and what action would you like the Headteacher to take?	
When did you discuss your concern/complaint with the appropriate member of staff?	
What was the result of the discussion?	
Signed:	Date:

-THIS PAGE IS LEFT INTENTIONALLY BLANK-